JUNIUS.

STAT NOMINIS UMBRA.

VOL. II.

G. WOODFALL, PRINTER, PATERNOSTER-ROW, LONDON.

JUNIUS:

INCLUDING

LETTERS

BY THE SAME WRITER, UNDER OTHER SIGNATURES,

(NOW FIRST COLLECTED.)

TO WHICH ARE ADDED,

HIS CONFIDENTIAL CORRESPONDENCE

WITH

MR. WILKES,

AND HIS

PRIVATE LETTERS

ADDRESSED TO

MR. H. S. WOODFALL.

WITH

A PRELIMINARY ESSAY, NOTES, FAC-SIMILES, &c.

IN THREE VOLUMES.

VOL. II.

STAT NOMINIS UMBRA.

LONDON:

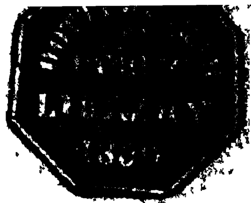
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1812.

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VOL. II.



LETTERS

OF

JUNIUS.

LETTER XXIV.

TO JUNIUS.

SIR, 14 *September*, 1769.

HAVING accidentally seen a *republication* of your letters, wherein you have been pleased to *assert*, that I had *sold* the companions of my success; I am again obliged to declare the said assertion to be a most *infamous* and *malicious falsehood;* and I *again* call upon you to stand forth, avow yourself, and *prove* the charge. If you can make it out to the satisfaction of any one man in the kingdom, I will be content to be thought the worst man in it; if you do not, what must the nation think of you? *Party* has nothing to do in this affair: you have

made a personal attack upon my honour, defamed me by a most vile calumny, which might possibly have sunk into oblivion, had not such uncommon pains been taken to renew and perpetuate this scandal*, chiefly because it has been told in good language: for I give you full credit for your elegant diction, well turned periods, and attic wit; but wit is oftentimes false, though it may appear brilliant; which is exactly the case of your *whole performance*. But, Sir, I am obliged in the most *serious* manner to accuse you of being guilty of *falsities*. You have said the thing that is *not*. To support your story, you have recourse to the following *irresistible* argument: "You *sold* the companions of your victory, because when the 16th regiment was given to *you*, you was *silent*. The conclusion is inevitable." I believe that such *deep* and *acute reasoning* could only come from such an extraordinary writer as JUNIUS. But unfortunately for you, the *premises* as well as the *conclusion* are absolutely *false*. Many applications have been made to the ministry on the subject of the Manilla ransom *since* the time of my being colonel of that regiment. As I have for some years quitted London, I

* The reader will perceive, by a reference to the Private Letters, No. 4. that this republication was without the author's knowledge or consent. EDIT.

was obliged to have recourse to the honourable Colonel Monson and Sir Samuel Cornish*, to *negotiate* for me; in the last autumn, I personally delivered a memorial to the Earl of Shelburne at his seat in Wiltshire. As you have told us of your importance, that you are a person of *rank* and *fortune*, and above a *common* bribe †, you may in all probability be not *unknown* to his lordship, who can satisfy you of the truth of what I say. But I shall now take the liberty, Sir, to seize your battery, and turn it against yourself. If your puerile and tinsel logic could carry the least weight or conviction with it, how must you stand affected by the *inevitable conclusion*, as you are pleased to term it? According to JUNIUS, *silence* is *guilt*. In many of the public papers, you have been called in the most direct and offensive terms a *liar* and a *coward*. When did you reply to these foul accusations? You have been quite *silent;* quite chop-fallen: therefore, *because* you was *silent*, the nation has a right to pronounce you to be both a liar and a coward from your own argument: but, Sir, I will give you fairer play; will afford you an opportunity to wipe off the first

* These gentlemen accompanied Sir William as brother officers in his expedition against the Philippines. EDIT.

† See Miscellaneous Letters of the Author, No. XXXIII. EDIT.

appellation; by desiring the proofs of your charge against me. Produce them! To wipe off the last, produce *yourself.* People cannot bear any longer your *Lion's skin*, and the despicable *imposture* of the *old Roman name* which you have *affected.* For the future assume the name of some *modern* * bravo and dark assassin: let your appellation have some affinity to your practice. But if I must *perish*, JUNIUS, let me *perish* in the face of day; be for *once* a generous and open enemy. I allow that gothic *appeals* to cold iron are no better proofs of a man's honesty and veracity than hot iron and burning ploughshares are of *female chastity*: but a soldier's honour is as delicate as a woman's; it must not be suspected; you have dared to throw more than a suspicion upon mine: you cannot but know the consequences, which even the meekness of Christianity would pardon me for, after the injury you have done me.

WILLIAM DRAPER.

* Was *Brutus* an *ancient* bravo and dark assassin? or does Sir W. D. think it criminal to stab a tyrant to the heart?

LETTER XXV.

Hæret lateri lethalis arundo.

TO SIR WILLIAM DRAPER, K. B.

SIR, 25 *September*, 1769.

AFTER so long an interval, I did not expect to see the debate revived between us. My answer to your last letter shall be short; for I write to you with reluctance, and I hope we shall now conclude our correspondence for ever.

Had you been originally and without provocation attacked by an anonymous writer, you would have some right to demand his name. But in this cause you are a volunteer. You engaged in it with the unpremeditated gallantry of a soldier. You were content to set your name in opposition to a man, who would probably continue in concealment. You understood the terms upon which we were to correspond, and gave at least a tacit assent to them. After voluntarily attacking me under the character of JUNIUS, what possible right have you to know me under any other? Will you forgive me if I insinuate to you, that you foresaw some honour in the apparent spirit of coming forward in person, and

that you were not quite indifferent to the display of your literary qualifications?

You cannot but know that the republication of my letters was no more than a catchpenny contrivance of a printer, in which it was impossible I should be concerned, and for which I am no way answerable. At the same time I wish you to understand, that if I do not take the trouble of reprinting these papers, it is not from any fear of giving offence to Sir William Draper.

Your remarks upon a signature, adopted merely for distinction, are unworthy of notice; but when you tell me I have submitted to be called a liar and a coward, I must ask you in my turn, whether you seriously think it any way incumbent upon me to take notice of the silly invectives of every simpleton, who writes in a newspaper; and what opinion you would have conceived of my discretion, if I had suffered myself to be the dupe of so shallow an artifice?

Your appeal to the sword, though consistent enough with your late profession, will neither prove your innocence nor clear you from suspicion.——Your complaints with regard to the Manilla ransom were, for a considerable time, a distress to government. You were appointed (greatly out of your turn) to the command of a regiment, and *during that administration* we

heard no more of Sir William Draper. The facts, of which I speak, may indeed be variously accounted for, but they are too notorious to be denied; and I think you might have learnt at the university, that a false conclusion is an error in argument, not a breach of veracity. Your solicitations, I doubt not, were renewed under *another* administration. Admitting the fact, I fear an indifferent person would only infer from it, that experience had made you acquainted with the benefits of complaining. Remember, Sir, that you have yourself confessed, that, *considering the critical situation of this country, the ministry are in the right to temporise with Spain.* This confession reduces you to an unfortunate dilemma. By renewing your solicitations, you must either mean to force your country into a war at a most unseasonable juncture; or, having no view or expectation of that kind, that you look for nothing but a private compensation to yourself.

As to me, it is by no means necessary that I should be exposed to the resentment of the worst and the most powerful men in this country *, though I may be indifferent about yours. Though

* See Private Letters, No. 41. in which he continues to entertain some apprehensions concerning the effects of a discovery of his person. EDIT.

you would fight, there are others who would assassinate.

But after all, Sir, where is the injury? You assure me, that my logic is puerile and tinsel; that it carries not the least weight or conviction; that my premises are false and my conclusions absurd. If this be a just description of me, how is it possible for such a writer to disturb your peace of mind, or to injure a character so well established as yours? Take care, Sir William, how you indulge this unruly temper, lest the world should suspect that conscience has some share in your resentments. You have more to fear from the treachery of your own passions, than from any malevolence of mine.

I believe, Sir, you will never know me. A considerable time must certainly elapse before we are personally acquainted. You need not, however, regret the delay, or suffer an apprehension that any length of time can restore you to the Christian meekness of your temper, and disappoint your present indignation. If I understand your character, there is in your own breast a repository, in which your resentments may be safely laid up for future occasions, and preserved without the hazard of diminution. The *Odia in longum jaciens, quæ reconderet, auctaque promeret,* I thought had only belonged to the

worst character of antiquity. The text is in Tacitus ;—you know best where to look for the commentary.

JUNIUS.

LETTER XXVI.

A WORD AT PARTING TO JUNIUS.

* SIR, 7 *October*, 1769.

As you have not favoured me with either of the *explanations* demanded of you, I can have nothing more to say to you upon my

* *Measures and not men* is the common cant of affected moderation ;—a base, counterfeit language, fabricated by knaves, and made current among fools. Such gentle censure is not fitted to the present, degenerate state of society. What does it avail to expose the absurd contrivance, or pernicious tendency of measures, if the man who advises or executes, shall be suffered not only to escape with impunity, but even to preserve his power, and insult us with the favour of his Sovereign! I would recommend to the reader the whole of Mr. Pope's letter to Doctor Arbuthnot, dated 26 July, 1734, from which the following is an extract. "To reform and not to chastise I am afraid is impossible; and that the best precepts, as well as the best laws, would prove of small use, if there were no examples to enforce them. To attack vices in the abstract, without touching persons, may be safe fighting indeed, but it is fighting with shadows. My greatest comfort and encouragement to proceed, has been to see that those who have no shame, and no fear of any thing else, have appeared touched by my satires."

own account. Your mercy to me, or tenderness for yourself, has been very great. The public will judge of your *motives*. If your excess of modesty forbids you to produce either the proofs or yourself, I will excuse it. Take courage; I have not the temper of Tiberius, any more than the rank or power. You, indeed, are a tyrant of another sort, and upon your political bed of torture can excruciate any subject, from a first minister down to such a grub or butterfly as myself; like another detested tyrant of antiquity, can make the wretched sufferer fit the bed, if the bed will not fit the sufferer, by disjointing or tearing the trembling limbs until they are stretched to its extremity. But courage, constancy, and patience, under torments, have sometimes caused the most hardened monsters to relent, and forgive the object of their cruelty. You, Sir, are determined to try all that human nature can endure, until she expires: else, was it possible that you could be the author of that most inhuman letter to the Duke of Bedford? I have read it with astonishment and horror. Where, Sir, where were the feelings of your own heart, when you could upbraid a most affectionate father with the loss of his only and most amiable son? Read over again those cruel lines of yours, and let them wring your very soul! Cannot political questions be discussed without

descending to the most odious personalities? Must you go wantonly out of your way to torment declining age, because the Duke of Bedford may have quarrelled with those whose cause and politics you espouse? For shame! for shame! As you have *spoke daggers* to him, you may justly dread the *use* of them against your own breast, did a want of courage, or of noble sentiments, stimulate him to such mean revenge. He is above it; he is brave. Do you fancy that your own base arts have infected our whole island? But your own reflections, your own conscience, must and will, if you have any spark of humanity remaining, give him most ample vengeance. Not all the power of words with which you are so graced, will ever wash out, or even palliate this foul blot in your character. I have not time at present to dissect your letter so minutely as I could wish, but I will be bold enough to say, that it is (as to reason and argument) the most extraordinary piece of *florid impotence* that was ever imposed upon the eyes and ears of the too credulous and deluded mob. It accuses the Duke of Bedford of high treason. Upon what foundation? You tell us, "that the Duke's *pecuniary character* makes it more than *probable*, that he could not have made such sacrifices at the peace, without *some private compensations*; that his conduct carried with

it an interior evidence, beyond all the legal proofs of a court of justice."

My academical education, Sir, bids me tell you that it is necessary to establish the truth of your first proposition, before you presume to draw inferences from it. First prove the avarice, before you make the rash, hasty, and most wicked conclusion. This father, JUNIUS, whom you call avaricious, allowed that son eight thousand pounds a year. Upon his most unfortunate death, which your usual good-nature took care to remind him of, he greatly encreased the jointure of the afflicted lady, his widow. Is this avarice? Is this doing good by *stealth?* It is upon record.

If exact order, method, and true œconomy as a master of a family; if splendor and just magnificence, without wild waste and thoughtless extravagance, may constitute the character of an avaricious man, the Duke is guilty. But for a moment let us admit that an ambassador may love money too much; what proof do you give that he has taken any to betray his country? Is it hearsay; or the evidence of letters, or ocular; or the evidence of those concerned in this black affair? Produce your authorities to the public. It is a most impudent kind of sorcery to attempt to blind us with the smoke, without convincing us that the fire has existed. You

first brand him with a vice that he is free from, to render him odious and suspected. Suspicion is the foul weapon with which you make all your chief attacks; with that you stab. But shall one of the first subjects of the realm be ruined in his fame; shall even his life be in constant danger, from a charge built upon such sandy foundations? Must his house be besieged by lawless ruffians, his journies impeded, and even the asylum of an altar be insecure, from assertions so base and false? Potent as he is, the Duke is amenable to justice; if guilty, punishable. The parliament is the high and solemn tribunal for matters of such great moment. To that be they submitted. But I hope also that some notice will be taken of, and some punishment inflicted upon, false accusers, especially upon such, JUNIUS, who are *wilfully false*. In any truth I will agree even with JUNIUS; will agree with him that it is highly unbecoming the dignity of Peers to tamper with boroughs. Aristocracy is as fatal as democracy. Our constitution admits of neither. It loves a King, Lords, and Commons really chosen by the unbought suffrages of a free people. But if corruption only shifts hands; if the wealthy commoner gives the bribe, instead of the potent Peer, is the state better served by this exchange? Is the real emancipation of the borough effected, because new parchment bonds

may possibly supersede the old? To say the truth, wherever such practices prevail, they are equally criminal to and destructive of our freedom.

The rest of your declamation is scarce worth considering, excepting for the elegance of the language. Like Hamlet in the play, you produce two pictures: you tell us, that one is not like the Duke of Bedford; then you bring a most hideous caricatura, and tell us of the resemblance; but *multum abludit imago.*

All your long tedious accounts of the ministerial quarrels, and the intrigues of the cabinet, are reducible to a few short lines; and to convince you, Sir, that I do not mean to flatter any minister, either past or present, these are my thoughts: they seem to have acted like lovers, or children; have pouted, quarrelled, cried, kissed, and been friends again*; as the objects of desire, the ministerial rattles have been put into their hands. But such proceedings are very unworthy of the gravity and dignity of a great nation. We do not want men of abilities; but we have wanted steadiness; we want unanimity: your letters, JUNIUS, will not contribute thereto. You may one day expire by a flame of your own kindling. But it is my humble opinion that le-

* Sir William gives us a pleasant account of men, who, in *his* opinion at least, are the best qualified to govern an empire

nity and moderation, pardon and oblivion, will disappoint the efforts of all the seditious in the land, and extinguish their wide spreading fires. I have lived with this sentiment; with this I shall die.

WILLIAM DRAPER*.

LETTER XXVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 13 *October*, 1769.

If Sir William Draper's bed be a bed of torture, he has made it for himself. I shall never interrupt his repose. Having changed the

* A few days subsequent to the publication of this letter, a report was circulated, that Sir William Draper, in consequence of his defence of Lord Granby, had been appointed to a governorship in America, which Sir William contradicted, in the following short note, addressed to the Printer of the Public Advertiser, Oct. 20, 1769.

" Sir,

" You are desired to contradict the report that Sir William Draper is appointed a governor in America. The story has been raised to make the public believe that he has endeavoured to vindicate those whom he knows to have been most infamously traduced for the sake of a reward. His motive for this voyage is entirely curiosity. He has nothing to do with the politics of this ministry, or any other set of men whosoever." EDIT.

subject, there are parts of his last letter not undeserving of a reply. Leaving his private character and conduct out of the question, I shall consider him merely in the capacity of an author, whose labours certainly do no discredit to a newspaper.

We say, in common discourse, that a man may be his own enemy, and the frequency of the fact makes the expression intelligible.. But that a man should be the bitterest enemy of his friends, implies a contradiction of a peculiar nature! There is something in it which cannot be conceived without a confusion of ideas, nor expressed without a solecism in language. Sir William Draper is still that fatal friend Lord Granby found him. Yet I am ready to do justice to his generosity; if indeed it be not something more than generous, to be the voluntary advocate of men, who think themselves injured by his assistance, and to consider nothing in the cause he adopts, but the difficulty of defending it. I thought however he had been better read in the history of the human heart, than to compare or confound the tortures of the body with those of the mind. He ought to have known, though perhaps it might not be his interest to confess, that no outward tyranny can reach the mind. If conscience plays the tyrant, it would be greatly for the benefit of the world that she

were more arbitrary, and far less placable, than some men find her.

But it seems I have outraged the feelings of a father's heart.—Am I indeed so injudicious? Does Sir William Draper think I would have hazarded my credit with a generous nation, by so gross a violation of the laws of humanity? Does he think I am so little acquainted with the first and noblest characteristic of Englishmen? Or how will he reconcile such folly with an understanding so full of artifice as mine? Had *he* been a father, he would have been but little offended with the severity of the reproach, for his mind would have been filled with the justice of it. He would have seen that I did not insult the feelings of a father, but the father who felt nothing. He would have trusted to the evidence of his own paternal heart, and boldly denied the possibility of the fact, instead of defending it. Against whom then will his honest indignation be directed, when I assure him, that this whole town beheld the Duke of Bedford's conduct, upon the death of his son, with horror and astonishment. Sir William Draper does himself but little honour in opposing the general sense of his country. The people are seldom wrong in their opinions,—in their sentiments they are never mistaken. There may be a vanity perhaps in a singular way of thinking;—but when

a man professes a want of those feelings, which do honour to the multitude, he hazards something infinitely more important than the character of his understanding. After all, as Sir William may possibly be in earnest in his anxiety for the Duke of Bedford, I should be glad to relieve him from it. He may rest assured this worthy nobleman laughs, with equal indifference, at *my* reproaches, and Sir William's distress about him. But here let it stop. Even the Duke of Bedford, insensible as he is, will consult the tranquillity of his life, in not provoking the moderation of my temper. If, from the profoundest contempt, I should ever rise into anger, he should soon find, that all I have already said of him was lenity and compassion*.

Out of a long catalogue, Sir William Draper has confined himself to the refutation of two charges† only. The rest he had not time to discuss; and indeed it would have been a laborious undertaking. To draw up a defence of such a series of enormities, would have required a life at least as long as that, which has been uniformly employed in the practice of them. The public opinion of the Duke of Bedford's extreme œconomy is, it seems, entirely without foundation. Though not very prodigal abroad,

* See Private Letters, No. 10.

in his own family at least, he is regular and magnificent. He pays his debts, abhors a beggar, and makes a handsome provision for his son. His charity has improved upon the proverb, and ended where it began. Admitting the whole force of this single instance of his domestic generosity (wonderful indeed, considering the narrowness of his fortune, and the little merit of his only son) the public may still perhaps be dissatisfied, and demand some other less equivocal proofs of his munificence. Sir William Draper should have entered boldly into the detail—of indigence relieved—of arts encouraged—of science patronized; men of learning protected, and works of genius rewarded; in short, had there been a single instance, besides Mr. Rigby*, of blushing merit brought forward by the Duke, for the service of the public, it should not have been omitted†.

* This gentleman is supposed to have the same idea of *blushing*, that a man blind from his birth, has of a scarlet or sky-blue.

† In answer to this heavy charge, two instances of the noble Duke's benevolence were brought forward in two separate letters in the Public Advertiser. The one dated Oct. 17, and signed Frances, which states his having relieved with a *patent employment*, the husband of the writer of a series of sentimental letters of "Henry and Frances," in which the author, a Mrs. Griffiths, fictitiously depicted their own real distress. The other dated Oct. 20, and signed Jere. Mears, Lieut. of the

I wish it were possible to establish my inference with the * same certainty, on which I believe the principle is founded. My conclusion

29th Regt. relates the Duke's generous and unsolicited bestowment upon him of a pair of colours, upon a knowledge, when lord-lieutenant of Ireland, of the writer's destitute situation.

A much abler reply to JUNIUS's severe attack upon his Grace was afterwards introduced into the Public Advertiser in a letter to JUNIUS subscribed M. Tullius, dated Dec. 8, from which the editor feels bound, on the score of impartiality, to make the following extract:

"In these strictures I have principally in view the treatment which JUNIUS, in two publications has thought proper to offer to the Duke of Bedford. His animadversions on this illustrious nobleman, are intended to reflect both on his public and private character. With regard to the first of these, nothing of consequence is urged besides his Grace's conduct as ambassador at the court of Versailles in the making of the late peace. I mean not to enter here into the merits or demerits of that important transaction.——Thus much is known to all, the riches of the nation were at that time well nigh exhausted, public credit was on the brink of ruin, the national debt increased to such an enormous height as to threaten us with a sudden and universal crush; and whatever be said of the concessions that were made to bring that memorable event to bear, Canada among other instances, will ever remain a glorious monument; the interests of this kingdom were not forgotten in that negociation: But JUNIUS, hackneyed in the tricks of controversy, where a man's open and avowed actions are innocent, has the art to hint at secret terms and private compensations; and though he is compelled by the force of truth to own 'no document of any treasonable practice is to be found,' we are given plainly to understand so many public sacrifices were not made

at

however was not drawn from the principle alone. I am not so unjust as to reason from one crime to another; though I think, that, of all the

at that period without a valuable consideration, and that in practice there is very little difference in the ceremony of offering a bribe, and of that Duke's accepting it. To a charge that is alledged, not only without proof, but even with a confession that no proof is to be expected, no answer is to be returned but that of a contemptuous silence. When a writer takes upon him to attack the character of a nobleman of the highest rank, and in a matter of so capital a nature as that of selling his country for a bribe, common policy, as well as prudence, require that an accusation of such importance be supported with at least some shew of evidence, and that even this be not done but with the utmost moderation of temper and expression: but so sober a conduct would have been beside the purpose of JUNIUS, whose business it was not to reason, but rail. The Roman rhetorician, among the other arts of oratory, mentions one, which he dignifies with the title of a 'Canine eloquence,' that of filling up the empty places of an argument with railings, *convitiis implere vacua causarum.* In the knowledge of this rule JUNIUS is without a rival; and the present instance, among a thousand others, is a convincing testimony of his dexterity in the application of it.

" But here it will be said, it is not from circumstance and conjecture alone that this charge against the Duke of Bedford is founded; the general character of every one takes its colour and complexion from that quality in him which predominates, and the allowed avarice of the man affords an evidence not to be resisted of the rapacity of the ambassador: and is it then so incontestible a point that the Duke is indeed the sordid man which JUNIUS has delineated? are there no instances to be produced that denote a contrary disposition? one would think if a vicious

vices, avarice is most apt to taint and corrupt the heart. I combined the known temper of

vicious thirst of gain had borne so large a share, as is pretended, in his Grace's composition, this would have discovered itself in the pecuniary emoluments he had secured for himself when he engaged in a share of Government. But what advantages of this kind has he obtained; or to what bargains with the minister does JUNIUS allude, when he knows, that his Grace, though willing to assist the friends of Administration with his interest and weight, has not accepted any department either of power or profit? had JUNIUS and *candour* not shaken hands, this circumstance alone would have afforded him an evidence beyond all the legal proofs of a court of justice, of the iniquity of his own insinuations. But we are not at a loss for other instances, and those no ordinary ones, of the Duke's munificence. To what principle shall we attribute the payment of the elder Brother's debts to the amount of not much less than one hundred thousand pounds? the splendid provision he made for his unfortunate son; and afterwards for that son's more unfortunate Widow? what shall we say to his known attachments to the interests of his friends, his kindness to his domestics, and annual bounty to those who have served him faithfully? his indulgence to his dependants? or what are, if these be not, unequivocal proofs of genuine liberality and benevolence?

"When to these symptoms of an enlarged and generous mind, we add what are equally constituent parts of his Grace's character, the decency and decorum of his conduct in private life, his regularity in his family, and what is now so rare a virtue among the great, his constant attendance on all the public offices of Divine Worship, we shall hardly find in the whole circle of the nobility a man that has a juster and much more than a constitutional claim to respect, or one that less deserved the censures

the man with the extravagant concessions made by the ambassador; and though I doubt not suf-

sures of a satirist, such as JUNIUS, than his Grace of Bedford. But in the reflections of JUNIUS there is a more surprising piece of profligacy yet behind. As if all the former instances of his malignity had been too little, he has filled up the measure of his crimes by calling back to our remembrance the loss, which, not the father alone, but the kingdom sustained in the death of his only son, and to reproach him for the insensibility he supposes him to have discovered, on that affecting occasion. The cruelty of this accusation is only to be paralleled by the falsehood of it, and in a better age than the present would have been deemed a prodigy. To one who possessed the proper sentiments of a man, the dwelling at all on a calamity which is still so recent, which in all its circumstances was so truly pitiable, would have appeared in the highest degree ungenerous and mean; but to represent the principal sufferer in this scene of woe as the only one not sensible of his misfortune; to paint a Father destitute of a Father's love, and even professing a want of those feelings which do honour to the multitude, is an instance of barbarity of which a savage would have been ashamed, and which no prettinesses of stile, no powers of language, no literary merit, can ever excuse or expiate: and indeed, corrupt as the times are said to be, I have the satisfaction to observe JUNIUS for once has reckoned without his host, and mistaken the taste and temper of his countrymen: we can allow for the petulance which want and hunger extort from an opposition; we can pity the wretch who is obliged to draw his venal quill, and say and unsay as is dictated to him by his superiors: but we are not yet so far gone in the road to ruin, or dead to all the movements of compassion, as to behold without abhorrence the man, who can so totally resign all pretences to humanity, or regard him in any other light than as the object of general detestation.

" JUNIUS

ficient care was taken to leave no document of any treasonable negociation, I still maintain that

" JUNIUS in his letter to the Duke of Bedford amuses himself with describing in Theory the dignity and importance of an independant nobleman: by way of conclusion to these remarks, I shall delineate for him in return, what I conceive should be the character of one who sets up for a political writer; and this in imitation of his own method, both by the positive and negative marks which may be given of it. A writer then of this class, though he will ever be suspicious of the conduct of those in power, will be sure to watch with equal jealousy over himself, lest in his zeal for exciting a reasonable love of liberty, he encourage a dangerous spirit of licentiousness: he will be as cautious of weakening the constitutional powers of the prince, as he will be careful of supporting the undoubted rights of the people; and will expose with the same freedom, in their turns, the exorbitances of prerogative, and the lawless efforts of a faction. In the negative parts of his character, he will not give occasion to the most distant suspicion that his opposition to Government proceeds not so much from a dislike to measures, as to Men: in times of real security he will not inflame the minds of the populace with affected apprehensions: before he complains of grievances he will be sure they exist: in his freest writings he will never violate knowingly the laws of truth and justice: he will not causelessly expose the follies of youth, the infirmities of age, or the irregularities of private life, in which the public interests are not concerned: he will be restrained by a sense of honour from calumniating the innocent, or satirising the unhappy: in a word, he will not take advantage of his own security to stab in the dark, or with Solomon's fool, divert himself with holding out the most respectable characters as objects of contempt and ridicule, and say am not I in sport?"

the conduct* of this minister carries with it an internal and a convincing evidence against him. Sir William Draper seems not to know the value or force of such a proof. He will not permit us to judge of the motives of men, by the manifest tendency of their actions, nor by the notorious character of their minds. He calls for papers and witnesses, with a sort of triumphant security, as if nothing could be true, but what could be proved in a court of justice. Yet a religious man might have remembered, upon what foundation some truths, most interesting to mankind, have been received and established. If it were not for the internal evidence, which the purest of religions carries with it, what would have become of his once well-quoted decalogue, and of the meekness of his Christianity?

The generous warmth of his resentment makes him confound the order of events. He forgets that the insults and distresses which the Duke of Bedford has suffered, and which Sir William has lamented with many delicate touches

* If Sir W. D. will take the trouble of looking into Torcy's Memoirs, he will see with what little ceremony a bribe may be offered to a Duke, and with what little ceremony it was *only not accepted*. AUTHOR.

It is too generally known to need further explanation that the first Duke of Marlborough is the nobleman here referred to. EDIT.

of the true pathetic, were only recorded in my letter to his Grace, not occasioned by it. It was a simple, candid narrative of facts; though, for aught I know, it may carry with it something prophetic. His Grace undoubtedly has received several ominous hints; and I think, in certain circumstances, a wise man would do well to prepare himself for the event.

But I have a charge of a heavier nature against Sir William Draper. He tells us that the Duke of Bedford is amenable to justice;—that parliament is a high and solemn tribunal; and that, if guilty, he may be punished by due course of law; and all this, he says, with as much gravity, as if he believed every word of the matter. I hope indeed, the day of impeachments will arrive, before this nobleman escapes out of life;—but to refer us to that mode of proceeding now, with such a ministry, and such a house of commons as the present, what is it, but an indecent mockery of the common sense of the nation? I think he might have contented himself with defending the greatest enemy, without insulting the distresses of his country.

His concluding declaration of his opinion, with respect to the present condition of affairs, is too loose and undetermined to be of any service to the public. How strange it is that this

gentleman should dedicate so much time and argument to the defence of worthless or indifferent characters, while he gives but seven solitary lines to the only subject, which can deserve his attention, or do credit to his abilities.

JUNIUS.

LETTER XXVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 20 *October*, 1769.

I VERY sincerely applaud the spirit with which a lady has paid the debt of gratitude to her benefactor *. Though I think she has mistaken the point, she shews a virtue which makes her respectable. The question turned upon the personal generosity or avarice of a man, whose private fortune is immense. The proofs of his munificence must be drawn from the uses to which he has applied that fortune. I was not speaking of a Lord Lieutenant of Ireland, but of a rich English duke, whose wealth gave him the means of doing as much good in this country, as he derived from his power in another. I am far from wishing to lessen the merit of this single benevolent action;—perhaps

* See Note to p. 19. Mrs. Griffiths's letter signed Frances.

it is the more conspicuous from standing alone. All I mean to say is, that it proves nothing in the present argument.

JUNIUS.

LETTER XXIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 19 *October*, 1769.

I AM well assured that JUNIUS will never descend to a dispute with such a writer as *Modestus* (whose letter appeared in the Gazetteer of Monday*) especially as the dispute must be chiefly about words. Notwithstanding the partiality of the public, it does not appear that JUNIUS values himself upon any superior skill in composition, and I hope his time will always be more usefully employed than in the trifling refinements of verbal criticism. *Modestus*, however, shall have no reason to triumph in the silence and moderation of JUNIUS. If he knew as much of the propriety of language, as I believe he does of the facts in question, he would have been as cautious of attacking JUNIUS upon his compo-

* The gentleman who wrote several letters under this signature in the Gazetteer, and subsequently in the Public Advertiser, was a Mr. Dalrymple, a Scotch Advocate. For a specimen of his stile, see Miscellaneous Letters, No. LXVII. EDIT.

sition, as he seems to be of entering into the subject of it; yet after all, the last is the only article of any importance to the public.

I do not wonder at the unremitted rancour with which the Duke of Bedford and his adherents invariably speak of a nation, which we well know has been too much injured to be easily forgiven. But why must JUNIUS be an Irishman?—*The absurdity of his writings betrays him.*—Waving all consideration of the insult offered by *Modestus* to the declared judgment of the people (they may well bear this among the rest) let us follow the several instances, and try whether the charge be fairly supported.

First then,—the leaving a man to enjoy such repose as he can find upon a bed of torture, is severe indeed; perhaps too much so, when applied to such a trifler as Sir William Draper; but there is nothing absurd either in the idea or expression. *Modestus* cannot distinguish between a sarcasm and a contradiction.

2. I affirm with JUNIUS, that it is the *frequency* of the fact, which alone can make us comprehend how a man can be his own enemy. We should never arrive at the complex idea conveyed by those words, if we had only seen one or two instances of a man acting to his own prejudice. Offer the proposition to a child, or a man unused to compound his ideas, and you

will soon see how little either of them understand you. It is not a simple idea arising from a single fact, but a very complex idea arising from many facts well observed, and accurately compared.

3. Modestus could not, without great affectation, mistake the meaning of JUNIUS, when he speaks of a man who is the bitterest enemy of his friends. He could not but know, that JUNIUS spoke, not of a false or hollow friendship, but of a real intention to serve, and that intention producing the worst effects of enmity. Whether the description be strictly applicable to Sir William Draper is another question. JUNIUS does not say that it is more *criminal* for a man to be the enemy of his friends than his own, though he might have affirmed it with truth. In a moral light a man may certainly take greater liberties with himself than with another. To sacrifice ourselves merely is a weakness we may indulge in, if we think proper, for we do it at our own hazard and expence; but, under the pretence of friendship, to sport with the reputation, or sacrifice the honour of another, is something worse than weakness; and if, in favour of the foolish intention, we do not call it a crime, we must allow at least that it arises from an overweening, busy, meddling impudence.—JUNIUS says only, and he says truly,

that it is more extraordinary, that it involves a greater contradiction than the other; and is it not a maxim received in life, that in general we can determine more wisely for others than for ourselves? The reason of it is so clear in argument, that it hardly wants the confirmation of experience. Sir William Draper, I confess, is an exception to the general rule, though not much to his credit.

4. If this gentleman will go back to his Ethics, he may perhaps discover the truth of what JUNIUS says, *that no outward tyranny can reach the mind.* The tortures of the body may be introduced by way of ornament or illustration to represent those of the mind, but strictly there is no similitude between them. They are totally different both in their cause and operation. The wretch, who suffers upon the rack, is merely passive; but when the mind is tortured, it is not at the command of any outward power. It is the sense of guilt which constitutes the punishment, and creates that torture with which the guilty mind acts upon itself.

5. He misquotes what JUNIUS says of conscience, and makes the sentence ridiculous, by making it his own.

So much for composition. Now for fact.—JUNIUS it seems has mistaken the Duke of Bedford. His Grace had all the proper feelings of

a father, though he took care to suppress the appearance of them. Yet it was an occasion, one would think, on which he need not have been ashamed of his grief;—on which less fortitude would have done him more honour. I can conceive indeed a benevolent motive for his endeavouring to assume an air of tranquillity in his own family, and I wish I could discover any thing, in the rest of his character, to justify my assigning that motive to his behaviour. But is there no medium? Was it necessary to appear abroad, to ballot at the India-house, and make a public display, though it were only of an apparent insensibility?—I know we are treading on tender ground, and JUNIUS, I am convinced, does not wish to urge this question farther. Let the friends of the Duke of Bedford observe that humble silence, which becomes their situation. They should recollect that there are still some facts in store, at which human nature would shudder. I shall be understood by those whom it concerns, when I say that these facts go farther than to the Duke*.

* Within a fortnight after Lord Tavistock's death, the venerable *Gertrude* had a rout at Bedford-house. The good Duke (who had only sixty thousand pounds a year) ordered an inventory to be taken of his son's wearing apparel, down to his slippers, sold them all, and put the money in his pocket. The amiable Marchioness shocked at such brutal, unfeeling avarice,

gave

It is not inconsistent to suppose that a man may be quite indifferent about one part of a charge, yet severely stung with another, and though he feels no remorse, that he may wish to be revenged. The charge of insensibility carries a reproach indeed, but no danger with it.— JUNIUS had said, *there are others who would assassinate. Modestus*, knowing his man, will not suffer the insinuation to be divided, but fixes it all upon the Duke of Bedford.

Without determining upon what evidence JUNIUS would *choose to be condemned*, I will venture to maintain, in opposition to *Modestus*, or to Mr. Rigby (who is certainly not *Modestus*) or any other of the Bloomsbury gang, that the evidence against the Duke of Bedford is as strong as any presumptive evidence can be. It

gave the value of the clothes, to the Marquis's servant, out of her own purse. That incomparable woman did not long survive her husband. When she died, the Duchess of Bedford treated her as the Duke had treated his only son. She ordered every gown and trinket to be sold, and pocketed the money.— These are the monsters, whom Sir William Draper comes forward to defend.—May God protect *me* from doing any thing that may require such defence, or deserve such friendship. AUTHOR.

The Marquis of Tavistock, the Duke of Bedford's only son, who was killed as already related, by a fall from his horse, had married the sister of the late Earl of Albemarle. EDIT.

depends upon a combination of facts and reasoning, which require no confirmation from the anecdote of the Duke of Marlborough. This anecdote was referred to merely to shew how ready a great man may be to receive a great bribe; and if *Modestus* could read the original, he would see that the expression, *only not accepted*, was probably the only one in our language that exactly fitted the case. The bribe, offered to the Duke of Marlborough, was not refused.

I cannot conclude without taking notice of this honest gentleman's learning, and wishing he had given us a little more of it. When he accidentally found himself so near speaking truth, it was rather unfair of him to leave out the *non potuisse refelli*. As it stands, the *pudet hæc opprobria* may be divided equally between Mr. Rigby and the Duke of Bedford. Mr. Rigby, I take for granted, will assert his natural right to the modesty of the quotation, and leave all the opprobrium to his Grace.

PHILO JUNIUS.

LETTER XXX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 17 *October*, 1769.

It is not wonderful that the great cause, in which this country is engaged, should have roused and engrossed the whole attention of the people. I rather admire the generous spirit, with which they feel and assert their interest in this important question, than blame them for their indifference about any other. When the constitution is openly invaded, when the first original right of the people, from which all laws derive their authority, is directly attacked, inferior grievances naturally lose their force, and are suffered to pass by without punishment or observation. The present ministry are as singularly marked by their fortune, as by their crimes. Instead of atoning for their former conduct by any wise or popular measure, they have found, in the enormity of one fact, a cover and defence for a series of measures, which must have been fatal to any other administration. I fear we are too remiss in observing the whole of their proceedings. Struck with the principal figure, we do not sufficiently mark in what manner the canvass is filled up. Yet surely

it is not a less crime, nor less fatal in its consequences, to encourage a flagrant breach of the law by a military force, than to make use of the forms of parliament to destroy the constitution.—The ministry seem determined to give us a choice of difficulties, and, if possible, to perplex us with the multitude of their offences. The expedient is well worthy of the Duke of Grafton. But though he has preserved a gradation and variety in his measures, we should remember that the principle is uniform. Dictated by the same spirit, they deserve the same attention. The following fact, though of the most alarming nature, has not yet been clearly stated to the public, nor have the consequences of it been sufficiently understood. Had I taken it up at an earlier period, I should have been accused of an uncandid, malignant precipitation, as if I watched for an unfair advantage against the ministry, and would not allow them a reasonable time to do their duty. They now stand without excuse. Instead of employing the leisure they have had, in a strict examination of the offence, and punishing the offenders, they seem to have considered *that* indulgence as a security to them, that, with a little time and management, the whole affair might be buried in silence, and utterly forgotten.

* A major general of the army is arrested by the sheriffs officers for a considerable debt†. He persuades them to conduct him to the Tilt-yard in St. James's Park, under some pretence of business, which it imported him to settle before he was confined. He applies to a serjeant,

* Major General Gansel.

† Major General Gansel was arrested September 21, 1769, in Piccadilly, for two thousand pounds. He told the bailiff, if he would go down with him to the Tilt-yard, he should there find a friend, and would, on his not giving bail, go with him to a spunging-house. When they came to the Horse-guards, the officer sent for a serjeant and file of musqueteers to secure the bailiff, on a pretence that he had been insulted by him, which they did, while the prisoner escaped. Adjutant-general Harvey having heard of the affair, ordered the serjeant and his men close prisoners to the Savoy, and sent captain Cox to notify to the Sheriffs the steps he had taken in consequence of the proceedings of general Gansel, who had, in the mean while, surrendered himself into custody. In consequence of the above circumstance, on the 21st of April following, was issued to the brigade of guards, the Order as under:

" Parole Hounslow,

" B. O. His Majesty has signified to the Field Officer in waiting, that he has been acquainted that serjeant Bacon of the first regiment, and serjeant Parke of the Coldstream regiment, William Powell, William Hart, James Porter, and Joseph Collins, private soldiers in the first regiment of foot-guards, were more or less concerned in the rescue of major general Gansel, in September last; the King hopes, and is willing to believe, they did not know the Major General was arrested, and only thought they were delivering an officer in distress:

not immediately on duty, to assist with some of his companions in favouring his escape. He attempts it. A bustle ensues. The bailiffs claim their prisoner. * An officer of the guards, not then on duty, takes part in the affair, applies to the † lieutenant commanding the Tilt-yard guard, and urges him to turn out his guard to relieve a general officer. The lieutenant declines interfering in person, but stands at a distance, and suffers the business to be done. The other officer takes upon himself to order out the guard. In a moment they are in arms, quit their guard, march, rescue the general, and drive away the sheriffs officers, who, in vain represent their right to the prisoner, and the nature of the arrest. The soldiers first conduct the general into their guard room, then escort him to a place of safety, with bayonets fixed, and in all the forms of military triumph. I will not en-

distress: however his Majesty commands, that they should be severely reprimanded for acting in this business as they have done; and strictly orders for the future, that no commissioned officer or soldier do presume to interfere with bailiffs, or arrests, on any account or pretence whatsoever, the crime being of a very atrocious nature; and if any are found guilty of disobeying this order, they will be most severely punished. This order to be read immediately at the head of every company in the brigade of guards, that no man may plead ignorance for the future." EDIT.

* Lieutenant Dodd. † Lieutenant Garth.

large upon the various circumstances which attended this atrocious proceeding. The personal injury received by the officers of the law in the execution of their duty, may perhaps be atoned for by some private compensation. I consider nothing but the wound, which has been given to the law itself, to which no remedy has been applied, no satisfaction made. Neither is it my design to dwell upon the misconduct of the parties concerned, any farther than is necessary to shew the behaviour of the ministry in its true light. I would make every compassionate allowance for the infatuation of the prisoner, the false and criminal discretion of one officer, and the madness of another. I would leave the ignorant soldiers entirely out of the question. They are certainly the least guilty, though they are the only persons who have yet suffered, even in the appearance of punishment*. The fact itself, however atrocious, is not the principal point to be considered. It might have happened under a more regular government, and with guards better disciplined than ours. The main question is, in what manner have the ministry acted on this extraordinary occasion. A general officer calls upon the king's own guard, then act-

* A few of them were confined, and the rest, as already observed, reprimanded. EDIT.

ually on duty, to rescue him from the laws of his country; yet at this moment he is in a situation no worse, than if he had not committed an offence, equally enormous in a civil and military view.—A lieutenant upon duty designedly quits his guard, and suffers it to be drawn out by another officer, for a purpose, which he well knew, (as we may collect from an appearance of caution, which only makes his behaviour the more criminal) to be in the highest degree illegal. Has this gentleman been called to a court martial to answer for his conduct? No. Has it been censured? No. Has it been in any shape inquired into? No.—Another lieutenant, not upon duty, nor even in his regimentals, is daring enough to order out the king's guard, over which he had properly no command, and engages them in a violation of the laws of his country, perhaps the most singular and extravagant that ever was attempted. —What punishment has *he* suffered? Literally none. Supposing he should be prosecuted at common law for the rescue, will that circumstance, from which the ministry can derive no merit, excuse or justify their suffering so flagrant a breach of military discipline to pass by unpunished, and unnoticed? Are they aware of the outrage offered to their sovereign, when his own proper guard is ordered out to stop by main

force, the execution of his laws? What are we to conclude from so scandalous a neglect of their duty, but that they have other views, which can only be answered by securing the attachment of the guards? The minister would hardly be so cautious of offending them, if he did not mean, in due time, to call for their assistance.

With respect to the parties themselves, let it be observed, that these gentlemen are neither young officers, nor very young men. Had they belonged to the unfledged race of ensigns, who infest our streets, and dishonor our public places, it might perhaps be sufficient to send them back to that discipline, from which their parents, judging lightly from the maturity of their vices, had removed them too soon. In this case, I am sorry to see, not so much the folly of youth, as the spirit of the corps, and the connivance of government. I do not question that there are many brave and worthy officers in the regiments of guards. But considering them as a corps, I fear it will be found that they are neither good soldiers, nor good subjects. Far be it from me to insinuate the most distant reflection upon the army. On the contrary, I honour and esteem the profession; and if these gentlemen were better soldiers, I am sure they would be better subjects. It is not that there

is any internal vice or defect in the profession itself, as regulated in this country, but that it is the spirit of this particular corps to despise their profession, and that while they vainly assume the lead of the army, they make it matter of impertinent comparison and triumph over the bravest troops in the world (I mean our marching regiments) that *they* indeed stand upon higher ground, and are privileged to neglect the laborious forms of military discipline and duty. Without dwelling longer upon a most invidious subject, I shall leave it to military men, who have seen a service more active than the parade, to determine, whether or no I speak truth.

How far this dangerous spirit has been encouraged by government, and to what pernicious purposes it may be applied hereafter, well deserves our most serious consideration. I know indeed, that when this affair happened, an affectation of alarm ran through the ministry. Something must be done to save appearances. The case was too flagrant to be passed by absolutely without notice. But how have they acted? Instead of ordering the officers concerned, (and who, strictly speaking, are alone guilty,) to be put under arrest, and brought to trial, they would have it understood, that they did their duty completely, in confining a ser-

jeant and four private soldiers, until they should be demanded by the civil power; so that while the officers, who ordered or permitted the thing to be done, escape without censure, the poor men who obeyed those orders, who in a military view are no way responsible for what they did, and who for that reason have been discharged by the civil magistrates, are the only objects whom the ministry have thought proper to expose to punishment. They did not venture to bring even these men to a court martial, because they knew their evidence would be fatal to some persons, whom *they* were determined to protect. Otherwise, I doubt not, the lives of these unhappy, friendless, soldiers, would long since have been sacrificed, without scruple, to the security of their guilty officers.

I have been accused of endeavouring to enflame the passions of the people.—Let me now appeal to their understanding. If there be any tool of administration daring enough to deny these facts, or shameless enough to defend the conduct of the ministry, let him come forward. I care not under what title he appears. He shall find me ready to maintain the truth of my narrative, and the justice of my observations upon it, at the hazard of my utmost credit with the public.

Under the most arbitrary governments, the common administration of justice is suffered to take its course. The subject, though robbed of his share in the legislature, is still protected by the laws. The political freedom of the English constitution was once the pride and honour of an Englishman. The civil equality of the laws preserved the property, and defended the safety of the subject. Are these glorious privileges the birthright of the people, or are we only tenants at the will of the ministry?—But that I know there is a spirit of resistance in the hearts of my countrymen, that they value life, not by its conveniences, but by the independence and dignity of their condition, I should, at this moment, appeal only to their discretion. I should persuade them to banish from their minds all memory of what we were; I should tell them this is not a time to remember that we were Englishmen; and give it as my last advice, to make some early agreement with the minister, that since it has pleased him to rob us of those political rights, which once distinguished the inhabitants of a country, where honour was happiness, he would leave us at least the humble, obedient security of citizens, and graciously condescend to protect us in our submission.

JUNIUS.

LETTER XXXI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 14 *November*, 1769.

THE variety of remarks, which have been made upon the last letter of JUNIUS, and my own opinion of the Writer, who, whatever may be his faults, is certainly not a weak man, have induced me to examine, with some attention, the subject of that letter. I could not persuade myself that, while he had plenty of important materials, he would have taken up a light or trifling occasion to attack the Ministry; much less could I conceive that it was his intention to ruin the officers concerned in the rescue of general Gansel, or to injure the general himself. These are little objects, and can no way contribute to the great purposes he seems to have in view, by addressing himself to the public.—Without considering the ornamented stile he has adopted, I determined to look farther into the matter, before I decided upon the merits of his letter. The first step I took was to enquire into the truth of the facts; for if these were either false or misrepresented, the most artful exertion of his understanding, in reasoning upon them, would only be a disgrace to him.—Now, Sir, I have found every circum-

stance stated by JUNIUS to be literally true. General Gansel persuaded the bailiffs to conduct him to the parade, and certainly solicited a corporal and other soldiers to assist him in making his escape. Captain Dodd did certainly apply to captain Garth for the assistance of his guard. Captain Garth declined appearing himself, but stood aloof, while the other took upon him to order out the King's guard, and by main force rescued the general. It is also strictly true, that the general was escorted by a file of musqueteers to a place of security.—These are facts, Mr. Woodfall, which I promise you no gentleman in the guards will deny. If all or any of them are false, why are they not contradicted by the parties themselves? However secure against military censure, they have yet a character to lose, and surely, if they are innocent, it is not beneath them to pay some attention to the opinion of the public.

The force of JUNIUS's observations upon these facts cannot be better marked, than by stating and refuting the objections which have been made to them. One writer says, "Admitting the officers have offended, they are punishable at common law, and will you have a British subject punished twice for the same offence?"—I answer that they have committed two offences, both very enormous, and violated two laws.

The rescue is one offence, the flagrant breach of discipline another, and hitherto it does not appear that they have been punished, or even censured for either. Another gentleman lays much stress upon the calamity of the case, and, instead of disproving facts, appeals at once to the compassion of the public. This idea, as well as the insinuation *that depriving the parties of their commissions would be an injury to their creditors,* can only refer to general Gansel. The other officers are in no distress, therefore, have no claim to compassion, nor does it appear that their creditors, if they have any, are more likely to be satisfied by their continuing in the guards. But this sort of plea will not hold in any shape. Compassion to an offender, who has grossly violated the laws, is in effect a cruelty to the peaceable subject who has observed them; and, even admitting the force of any alleviating circumstances, it is nevertheless true, that, in this instance, the royal compassion has interposed too soon. The legal and proper mercy of a King of England may remit the punishment, but ought not to stop the trial.

Besides these particular objections, there has been a cry raised against JUNIUS for his malice and injustice in attacking the ministry upon an event, which they could neither hinder nor foresee. This, I must affirm, is a false repre-

sentation of his argument. He lays no stress upon the event itself, as a ground of accusation against the ministry, but dwells entirely upon their subsequent conduct. He does not say that they are answerable for the offence, but for the scandalous neglect of their duty, in suffering an offence, so flagrant, to pass by without notice or inquiry. Supposing them ever so regardless of what they owe to the public, and as indifferent about the opinion as they are about the interests of their country, what answer, as officers of the crown, will they give to JUNIUS, when he asks them, *Are they aware of the outrage offered to their Sovereign, when his own proper guard is ordered out to stop, by main force, the execution of his laws?*—And when we see a ministry giving such a strange unaccountable protection to the officers of the guards, is it unfair to suspect, that they have some secret and unwarrantable motives for their conduct? If they feel themselves injured by such a suspicion, why do they not immediately clear themselves from it, by doing their duty? For the honour of the guards, I cannot help expressing another suspicion, that, if the commanding officer had not received a secret injunction to the contrary, he would, in the ordinary course of his business, have applied for a court martial to try the two subalterns; the one for quitting his

guard;—the other for taking upon him the command of the guard, and employing it in the manner he did. I do not mean to enter into or defend the severity, with which JUNIUS treats the guards. On the contrary, I will suppose, for a moment, that they deserve a very different character. If this be true, in what light will they consider the conduct of the two subalterns, but as a general reproach and disgrace to the whole corps? And will they not wish to see them censured in a military way, if it were only for the credit and discipline of the regiment.

Upon the whole, Sir, the ministry seem to me to have taken a very improper advantage of the good-nature of the public, whose humanity, they found, considered nothing in this affair but the distress of general Gansel. They would persuade us that it was only a common rescue by a few disorderly soldiers, and not the formal deliberate act of the king's guard, headed by an officer, and the public has fallen into the deception. I think, therefore, we are obliged to JUNIUS for the care he has taken to inquire into the facts, and for the just commentary with which he has given them to the world.—For my own part, I am as unwilling as any man to load the unfortunate; but, really, Sir, the precedent, with respect to the guards, is of a most important nature, and alarming enough (considering

the consequences with which it may be attended) to deserve a parliamentary enquiry: when the guards are daring enough, not only to violate their own discipline, but publicly and with the most atrocious violence to stop the execution of the laws, and when such extraordinary offences pass with impunity, believe me, Sir, the precedent strikes deep.

PHILO JUNIUS *.

LETTER XXXII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 15 *Nov.* 1769.

I ADMIT the claim of a gentleman, who publishes in the Gazetteer under the name of *Modestus* †. He has some right to expect an answer from me: though, I think, not so much from the merit or importance of his objections,

* This letter was originally printed in the Public Advertiser, with the signature of *Moderatus*. It shews that JUNIUS himself was peculiarly pleased with the composition, or he would not have raised it, in his own edition, to the rank of those letters which possess the signature of his *chief* auxiliary. EDIT.

† In the copy corrected by the author, and from which the original edition of these letters was printed, he gives directions to omit the letter under this signature in the following words:—"MODESTUS is too stupid, and must not be inserted." EDIT.

as from my own voluntary engagement. I had a reason for not taking notice of him sooner, which, as he is a candid person, I believe he will think sufficient. In my first letter, I took for granted, from the time which had elapsed, that there was no intention to censure, nor even to try the persons concerned in the rescue of general Gansel; but *Modestus* having since either affirmed, or strongly insinuated, that the offenders might still be brought to a legal trial, any attempt to prejudge the cause, or to prejudice the minds of a jury, or a court-martial, would be highly improper.

A man, more hostile to the ministry than I am, would not so often remind them of their duty. If the Duke of Grafton will not perform the duty of his station, why is he minister?— I will not descend to a scurrilous altercation with any man: but this is a subject too important to be passed over with silent indifference. If the gentlemen, whose conduct is in question, are not brought to a trial, the Duke of Grafton shall hear from me again*.

The motives on which I am supposed to have taken up this cause, are of little importance, compared with the facts themselves, and the ob-

* See this subject further pursued in Miscellaneous Letters, LXIV. to LXVIII. inclusive. EDIT.

servations I have made upon them. Without a vain profession of integrity, which, in these times, might justly be suspected, I shall shew myself in effect a friend to the interests of my countrymen, and leave it to them to determine, whether I am moved by a personal malevolence to three private gentlemen, or merely by a hope of perplexing the ministry, or whether I am animated by a just and honourable purpose of obtaining a satisfaction to the laws of this country, equal, if possible, to the violation they have suffered.

JUNIUS.

LETTER XXXIII.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, *29 Nov.* 1769.

THOUGH my opinion of your Grace's integrity was but little affected by the coyness with which you received * Mr. Vaughan's pro-

* The fact is detailed by JUNIUS in a note to pages 60 and 100 of the present volume. Mr. Samuel Vaughan was a merchant in the city, of hitherto unblemished character, and strongly attached to the popular cause. The office he attempted to procure, had, at times, been previously disposed of for a pecuniary consideration, and had, on one particular occasion, been sold by an order of the Court of Chancery, and consisted

posals, I confess I give you some credit for your discretion. You had a fair opportunity of displaying a certain delicacy, of which you had not been suspected; and you were in the right to make use of it. By laying in a moderate stock of reputation, you undoubtedly meant to provide for the future necessities of your character, that with an honourable resistance upon record, you might safely indulge your genius, and yield to a favourite inclination with security. But you have discovered your purposes too soon; and, instead of the modest reserve of virtue, have shewn us the termagant chastity of a prude, who gratifies her passions with distinction, and prosecutes one lover for a rape, while she solicits the lewd embraces of another.

Your cheek turns pale; for a guilty conscience tells you, you are undone.—Come forward, thou virtuous minister, and tell the world by what interest Mr. Hine has been recommended to so extraordinary a mark of his Majesty's favour; what was the price of the patent he has

sisted in the reversion of the clerkship to the Supreme Court in the island of Jamaica. A Mr. Howell was, in fact, at this very time in treaty with the patentee for the purchase of his resignation, which clearly disproved any criminal intention in Mr. V. He was however prosecuted, obviously from political motives, but which was dropped, as subsequently stated by Junius, after the affair of Hine's patent was brought before the public. EDIT.

bought, and to what honourable purpose the purchase money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expenses at Preston*. Do you dare to prosecute such a creature as Vaughan, while you are basely setting up the royal patronage to auction? Do you dare to complain of an attack upon your own honour, while you are selling the favours of the crown, to raise a fund for corrupting the morals of the people? And do you think it possible such enormities should escape without impeachment? It is indeed highly your interest to maintain the present House of Commons. Having sold the nation to you in gross, they will undoubtedly protect you in the detail; for while they patronize *your* crimes, they feel for their own.

JUNIUS.

LETTER XXXIV.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, 12 *Dec.* 1769.

I FIND with some surprize, that you are not supported as you deserve. Your most determined advocates have scruples about them, which

* See the ensuing letter, as also Private Letters, No. 15, December 12, 1769. EDIT.

you are unacquainted with; and, though there be nothing too hazardous for your Grace to engage in, there are some things too infamous for the vilest prostitute of a newspaper to defend *. In what other manner shall we account for the profound, submissive silence, which you and your friends have observed upon a charge, which called immediately for the clearest refutation, and would have justified the severest measures of resentment? I did not attempt to blast your character by an indirect, ambiguous insinuation, but candidly stated to you a plain fact, which struck directly at the integrity of a privy counsellor, of a first commissioner of the treasury, and of a leading minister, who is supposed to enjoy the first share in his Majesty's confidence †. In every one of these capacities I employed the most moderate terms to charge you with treachery to your Sovereign, and breach of trust in your office. I accused you of having *sold*, or permitted to be *sold*, a patent place in the collection of the customs at Exeter,

* From the publication of the preceding to this date, not one word was said in defence of the infamous Duke of Grafton. But vice and impudence soon recovered themselves, and the sale of the royal favour was openly avowed and defended. We acknowledge the piety of St. James's; but what is become of *his* morality?

† And by the same means preserves it to this hour.

to one Mr. Hine, who, unable or unwilling to deposit the whole purchase-money himself, raised part of it by contribution, and has now a certain Doctor Brooke quartered upon the salary for one hundred pounds a year.—No sale by the candle was ever conducted with greater formality.—I affirm that the price, at which the place was knocked down (and which, I have good reason to think, was not less than three thousand five hundred pounds) was, with your connivance and consent*, paid to Colonel Burgoyne, to reward him, I presume, for the decency of

* The friends of the noble duke chiefly attempted to shelter him under a denial that this transaction was done with his connivance or consent. The following is a letter upon this subject, in answer to the charge of JUNIUS, inserted in the Public Advertiser, Dec. 14, 1769.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR,

The infamous traduction of that libeller JUNIUS, his daring falsehoods, and gross misrepresentations, excite in me the utmost abhorrence and contempt, and I hope all his deadly poisons will be sheathed in the natural antidote every good mind has to malevolent and bitter invective. What act of delinquency has the Duke of Grafton committed, by colonel Burgoyne disposing of a patent obtained of his Grace? Will JUNIUS dare to assert it was with the Duke's privity, or for his emolument? Let us state the fact, and disarm the assassin at once. A place in the custom-house at Exeter becomes vacant—colonel Burgoyne asks it of the Duke of Grafton—he gives it.—The colonel says I cannot hold it myself; will you give it my friend?
—The

his deportment at Preston *; or to reimburse him, perhaps, for the fine of one thousand pounds, which, for that very deportment, the court of King's Bench thought proper to set upon him.—It is not often that the chief justice and the prime minister are so strangely at variance in their opinions of men and things.

I thank God there is not in human nature a degree of impudence daring enough to deny the

—The duke consents—the colonel nominates—the duke appoints;—but, says JUNIUS, the colonel set it up to sale, and actually received a sum of money for it. Be it so—he took a gross sum for what was given him as an annual income; and who is injured by this? If the Duke of Grafton sold it, he is impeachable; if he gave it to be sold, he is blameable; but if his Grace did neither, which is the fact, he is basely belied, and most impudently and wickedly vilified.

I am, Sir,

Your best friend,

Dec. 12. JUSTICE.

JUNIUS, nevertheless, completely accomplished his object; the noble duke not chusing to persevere in this prosecution of Vaughan, with the prospect of a counter-accusation. See Private Letters, No. 15. EDIT.

* Colonel, afterwards general, Burgoyne, was commissioned by administration to offer himself as a candidate, upon a parliamentary vacancy in the borough of Preston. During the contest that ensued, he suffered his partizans to commit the most disgraceful excesses; and having squandered not less than ten thousand pounds, without success at last, he was, upon the close of the election, prosecuted for his riot, and fined, as stated in the text. EDIT.

charge I have fixed upon you. Your courteous secretary *, your confidential architect †, are silent as the grave. Even Mr. Rigby's countenance fails him. He violates his second nature, and blushes whenever he speaks of you ‡. Perhaps the noble colonel himself will relieve you. No man is more tender of his reputation. He is not only nice, but perfectly sore in every thing that touches his honour. If any man, for example, were to accuse him of taking his stand at a gaming-table, and watching, with the soberest attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would undoubtedly consider it as an infamous aspersion upon his character, and resent it like a man of honour.—Acquitting him therefore of drawing a regular and splendid subsistence from any unworthy practices, either in his own house or elsewhere, let me ask your Grace, for what military merits you have been pleased to reward him with a military government§? He had a regiment of dragoons, which one would imagine,

* Tommy Bradshaw.

† Mr. Taylor. He and George Ross, (the Scotch agent and worthy confidant of Lord Mansfield) managed the business.

‡ Mr. Rigby was proverbially remarked for a countenance not easily abashed by any occurrence. EDIT.

§ Col. Burgoyne, only a few days before the date of this letter, had been promoted to the Government of Fort St. George. EDIT.

was at least an equivalent for any services *he* ever performed. Besides, he is but a young officer, considering his preferment, and, except in his activity at Preston, not very conspicuous in his profession. But it seems, the sale of a civil employment was not sufficient, and military governments, which were intended for the support of worn out veterans, must be thrown into the scale, to defray the extensive bribery of a contested election. Are these the steps you take to secure to your Sovereign the attachment of his army? With what countenance dare you appear in the royal presence, branded as you are with the infamy of a notorious breach of trust? With what countenance can you take your seat at the treasury-board or in council, when you *feel* that every circulating whisper is at *your* expense alone, and stabs you to the heart? Have you a single friend in parliament so shameless, so thoroughly abandoned, as to undertake your defence? You know, my Lord, that there is not a man in either house, whose character, however flagitious, would not be ruined by mixing his reputation with yours; and does not your heart inform you, that you are degraded below the condition of a man, when you are obliged to hear these insults with submission, and even to thank me for my moderation?

We are told, by the highest judicial authority, that Mr. Vaughan's offer to purchase the reversion of a patent in Jamaica (which he was otherwise sufficiently entitled to) amounted to a high misdemeanour*. Be it so: and if he deserves it, let him be punished. But the learned judge might have had a fairer opportunity of displaying the powers of his eloquence. Having delivered himself with so much energy upon the criminal nature, and dangerous consequences of any attempt to corrupt a man in your Grace's station, what would he have said to the minister himself, to that very privy counsellor, to that first commissioner of the treasury, who does not wait for, but impatiently solicits the touch of corruption; who employs the meanest of his creatures in these honourable services, and, for-

* A little before the publication of this and the preceding letter, the chaste Duke of Grafton had commenced a prosecution against Mr. Samuel Vaughan, for endeavouring to corrupt his integrity by an offer of five thousand pounds for a patent place in Jamaica. A rule to shew cause, why an information should not be exhibited against Vaughan for certain misdemeanours, being granted by the Court of King's Bench, the matter was solemnly argued on the 27th of November, 1769, and, by the unanimous opinion of the four judges, the rule was made absolute. The pleadings and speeches were accurately taken in short-hand and published. The whole of Lord Mansfield's speech, and particularly the following extracts from it, deserve the reader's attention. "A practice of the

getting the genius and fidelity of his secretary, descends to apply to his house-builder for assistance?

This affair, my Lord, will do infinite credit to government, if, to clear your character, you should think proper to bring it into the House of Lords, or into the court of King's Bench.—— But, my Lord, you dare not do either.

JUNIUS.

the kind complained of here is certainly dishonourable and scandalous.—If a man, standing under the relation of an officer under the King, or of a person in whom the King puts confidence, or of a minister, takes money for the use of that confidence the King puts in him, he basely betrays the King,—he basely betrays his trust.—If the King sold the office, it would be acting contrary to the trust the constitution hath reposed in him. The constitution does not intend the crown should sell those offices, to raise a revenue out of them.—Is it possible to hesitate, whether this would not be criminal in the Duke of Grafton;—contrary to his duty as a privy counsellor; —contrary to his duty as a minister—contrary to his duty as a subject.—His advice should be free according to his judgment;—It is the duty of his office;—he has sworn to it."—Notwithstanding all this, the chaste Duke of Grafton certainly sold a patent place to Mr. Hine for three thousand five hundred pounds; and, for so doing, is now lord privy seal to the chaste George, with whose piety we are perpetually deafened. If the House of Commons had done their duty, and impeached the black Duke for this most infamous breach of trust, how woefully must poor, honest Mansfield have been puzzled! His embarrassment would have afforded the most ridiculous scene that ever was exhibited. To save the worthy judge from this perplexity, and the no less worthy Duke from impeach-

 ment,

LETTER XXXV*.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

19 *December*, 1769.

WHEN the complaints of a brave and powerful people are observed to encrease in proportion to the wrongs they have suffered; when, instead of sinking into submission, they are

ment, the prosecution against *Vaughan* was immediately dropped upon my discovery and publication of the Duke's treachery. The suffering this charge to pass, without any enquiry, fixes shameless prostitution upon the face of the House of Commons, more strongly than even the Middlesex election.—Yet the licentiousness of the press is complained of!

* The address to the King through the medium of this letter, made a very great impression upon the public mind at the moment of its appearance, and though 500 copies of the P. A. were printed in addition to the usual numbers circulated, not a single copy was to be procured in a few hours after its publication. The author himself, indeed, seemed to entertain a very favourable opinion of it; as in Private Letter, No. 15, speaking of this Letter, he says, " I am now meditating a capital, and, I hope, a final piece." It was for this production that the Printer was prosecuted, and obtained the celebrated verdict of " guilty of printing and publishing only," the consequence of which, as already observed in note to Vol. I. p. 29, was, that two distinct motions were made in court; one by the counsel for the defendant in arrest of judgment, grounded on its ambiguity, and another by the counsel for the Crown, to compel the defendant to shew cause why the verdict should not be entered up according to the legal import. The case being argued, the Court of King's Bench ultimately decided

roused to resistance, the time will soon arrive at which every inferior consideration must yield to the security of the Sovereign, and to the general safety of the state. There is a moment of difficulty and danger, at which flattery and falsehood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived. Let us suppose a gracious, well-intentioned prince, made sensible at last of the great duty he owes to his people, and of his own disgraceful situation; that he looks round him for assistance, and asks for no advice, but

decided that a new trial should be granted. This accordingly commenced, when the attorney general observing to the Chief Justice, that he had not the original newspaper by which he could prove the publication; his Lordship laconically replied, "that's not my fault Mr. Attorney:" and in this manner terminated the second trial. The fact is, that the foreman of the jury upon the first trial had pocketed the paper, upon its being handed to the jury box for inspection, and had afterwards destroyed it. The expense the defendant was put to in this prosecution, as stated in Private Letter, No. 19, amounted to about £120. The late Mr. Almon, who was also prosecuted for selling a reprint of this letter, asserts, in a note to another edition of this work, that the legal expense incurred in defending his own action, which could not exceed that of the original printer, amounted to between *five and six hundred pounds!* An exaggeration which proves the necessity of exercising no small degree of caution, in estimating whatever other facts he has attempted to advance, with a view of elucidating the general history of the times. EDIT.

how to gratify the wishes, and secure the happiness of his subjects. In these circumstances, it may be matter of curious SPECULATION to consider, if an honest man were permitted to approach a King, in what terms he would address himself to his Sovereign. Let it be imagined, no matter how improbable, that the first prejudice against his character is removed, that the ceremonious difficulties of an audience are surmounted, that he feels himself animated by the purest and most honourable affections to his King and country, and that the great person, whom he addresses, has spirit enough to bid him speak freely, and understanding enough to listen to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his sentiments with dignity and firmness, but not without respect.

SIR,

It is the misfortune of your life, and originally the cause of every reproach and distress, which has attended your government, that you should never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however, too late to correct the error of your education. We are still inclined to make an indulgent allowance for the pernicious lessons you received

in your youth, and to form the most sanguine hopes from the natural benevolence of your disposition*. We are far from thinking you capable of a direct, deliberate purpose to invade those original rights of your subjects, on which all their civil and political liberties depend. Had it been possible for us to entertain a suspicion so dishonourable to your character, we should long since have adopted a style of remon-

* The plan of tutelage and future dominion over the heir apparent, laid many years ago at Carleton-house between the Princess Dowager and her favourite the Earl of Bute, was as gross and palpable, as that, which was concerted between Anne of Austria and Cardinal Mazarin, to govern Lewis the Fourteenth, and in effect to prolong his minority until the end of their lives. That prince had strong natural parts, and used frequently to blush for his own ignorance and want of education, which had been wilfully neglected by his mother and her minion. A little experience however soon shewed him how shamefully he had been treated, and for what infamous purposes he had been kept in ignorance. Our great Edward too, at an early period, had sense enough to understand the nature of the connection between his abandoned mother, and the detested Mortimer. But, since that time, human nature, we may observe, is greatly altered for the better. Dowagers may be chaste, and minions may be honest. When it was proposed to settle the present King's household as Prince of Wales, it is well known that the Earl of Bute was forced into it, in direct contradiction to the late King's inclination. *That* was the salient point, from which all the mischiefs and disgraces of the present reign took life and motion. From that moment, Lord Bute never suffered the Prince of Wales to be an instant out of his sight.—We need not look farther.

strance very distant from the humility of complaint. The doctrine inculcated by our laws, *That the King can do no wrong*, is admitted without reluctance. We separate the amiable, goodnatured prince, from the folly and treachery of his servants, and the private virtues of the man, from the vices of his government. Were it not for this just distinction, I know not whether your Majesty's condition, or that of the English nation, would deserve most to be lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offensive idea of personal reproach. Your subjects, Sir, wish for nothing but that, as *they* are reasonable and affectionate enough to separate your person from your government, so *you*, in your turn, should distinguish between the conduct, which becomes the permanent dignity of a King, and that which serves only to promote the temporary interest and miserable ambition of a minister.

You ascended the throne with a declared, and, I doubt not, a sincere resolution of giving universal satisfaction to your subjects*. You

* "Born and educated in this country, I glory in the name of Briton; and the peculiar happiness of my life will ever consist in promoting the welfare of a people, whose loyalty and warm affection to me, I consider as the greatest and most permanent security of my throne." King's Speech, November 18, 1760. EDIT.

found them pleased with the novelty of a young prince, whose countenance promised even more than his words, and loyal to you not only from principle, but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such, Sir, was once the disposition of a people, who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions, with which some interested persons have laboured to possess you. Distrust the men, who tell you that the English are naturally light and inconstant; —that they complain without a cause. Withdraw your confidence equally from all parties: from ministers, favourites, and relations; and let there be one moment in your life, in which you have consulted your own understanding.

When you affectedly renounced the name of Englishman*, believe me, Sir, you were per-

* He means renounced a connexion with Englishmen in favour of Scotchmen: and the allusion is chiefly to Lord Bute and his immediate friends. EDIT.

suaded to pay a very ill-judged compliment to one part of your subjects, at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection; nor do I mean to condemn the policy of giving some encouragement to the novelty of their affections for the house of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future steadiness of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in exclusion of your English subjects, who placed your family, and, in spite of treachery and rebellion, have supported it upon the throne, is a mistake too gross, even for the unsuspecting generosity of youth. In this error we see a capital violation of the most obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience.

To the same early influence we attribute it, that you have descended to take a share not only in the narrow views and interests of particular persons, but in the fatal malignity of their passions. At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor. A little

personal motive of pique and resentment was sufficient to remove the ablest servants of the crown *; but it is not in this country, Sir, that such men can be dishonoured by the frowns of a King. They were dismissed, but could not be disgraced. Without entering into a minuter discussion of the merits of the peace, we may observe, in the imprudent hurry with which the first overtures from France were accepted, in the conduct of the negotiation, and terms of the treaty, the strongest marks of that precipitate spirit of concession, with which a certain part of your subjects have been at all times ready to purchase a peace with the natural enemies of this country. On *your* part we are satisfied that every thing was honourable and sincere, and if England was sold to France, we doubt not that your Majesty was equally betrayed. The conditions of the peace were matter of grief and surprise to your subjects, but not the immediate cause of their present discontent.

Hitherto, Sir, you had been sacrificed to the prejudices and passions of others. With what firmness will you bear the mention of your own?

* One of the first acts of the present reign was to dismiss Mr. Legge, because he had some years before refused to yield his interest in Hampshire to a Scotchman recommended by Lord Bute. This was the reason publickly assigned by his Lordship. AUTHOR.

The person here alluded to, was Sir Simeon Stuart. EDIT.

A man, not very honourably distinguished in the world, commences a formal attack upon your favourite, considering nothing, but how he might best expose his person and principles to detestation, and the national character of his countrymen to contempt. The natives of that country, Sir, are as much distinguished by a peculiar character, as by your Majesty's favour. Like another chosen people, they have been conducted into the land of plenty, where they find themselves effectually marked, and divided from mankind. There is hardly a period, at which the most irregular character may not be redeemed. The mistakes of one sex find a retreat in patriotism; those of the other in devotion. Mr. Wilkes brought with him into politics the same liberal sentiments, by which his private conduct had been directed, and seemed to think, that, as there are few excesses, in which an English gentleman may not be permitted to indulge, the same latitude was allowed him in the choice of his political principles, and in the spirit of maintaining them. —I mean to state, not entirely to defend his conduct. In the earnestness of his zeal, he suffered some unwarrantable insinuations to escape him. He said more than moderate men would justify; but not enough to entitle him to the honour of your Majesty's personal resentment. The rays of Royal indignation, collected upon

him, served only to illuminate, and could not consume. Animated by the favour of the people on one side, and heated by persecution on the other, his views and sentiments changed with his situation. Hardly serious at first, he is now an enthusiast. The coldest bodies warm with opposition, the hardest sparkle in collision. There is a holy mistaken zeal in politics as well as religion. By persuading others, we convince ourselves. The passions are engaged, and create a maternal affection in the mind, which forces us to love the cause, for which we suffer.—Is this a contention worthy of a King? Are you not sensible how much the meanness of the cause gives an air of ridicule to the serious difficulties into which you have been betrayed? the destruction of one man has been now, for many years, the sole object of your government; and if there can be any thing still more disgraceful, we have seen, for such an object, the utmost influence of the executive power, and every ministerial artifice exerted without success. Nor can you ever succeed, unless *he* should be imprudent enough to forfeit the protection of those laws, to which you owe your crown, or unless your ministers should persuade you to make it a question of force alone, and try the whole strength of government in opposition to the people. The lessons *he* has received from experience, will

probably guard him from such excess of folly; and in your Majesty's virtues we find an unquestionable assurance that no illegal violence will be attempted.

Far from suspecting you of so horrible a design, we would attribute the continued violation of the laws, and even this last enormous attack upon the vital principles of the constitution, to an ill-advised, unworthy, personal resentment. From one false step you have been betrayed into another, and as the cause was unworthy of you, your ministers were determined that the prudence of the execution should correspond with the wisdom and dignity of the design. They have reduced you to the necessity of choosing out of a variety of difficulties;—to a situation so unhappy, that you can neither do wrong without ruin, nor right without affliction. These worthy servants have undoubtedly given you many singular proofs of their abilities. Not contented with making Mr. Wilkes a man of importance, they have judiciously transferred the question, from the rights and interests of one man, to the most important rights and interests of the people, and forced your subjects, from wishing well to the cause of an individual, to unite with him in their own. Let them proceed as they have begun, and your Majesty need not doubt that the cata-

strophe will do no dishonour to the conduct of the piece.

The circumstances to which you are reduced, will not admit of a compromise with the English nation. Undecisive, qualifying measures will disgrace your government still more than open violence, and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal, as formal as the resolution itself, can heal the wound, which has been given to the constitution *, nor will any thing less be accepted. I can readily believe that there is an influence sufficient to recall that pernicious vote. The House of Commons undoubtedly consider their duty to the crown as paramount to all other obligations. To *us* they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors;—from those, who gave them birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life;—who has taken the tenderest care of their infancy, and relieves their necessities without offending their delicacy. But, if it were possible

* See note to Letter XLVI. in which the repeal of this resolution is distinctly detailed. EDIT.

for their integrity to be degraded to a condition so vile and abject, that, compared with it, the present estimation they stand in is a state of honour and respect, consider, Sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long submit to be governed by so flexible a House of Commons! It is not in the nature of human society, that any form of government, in such circumstances, can long be preserved. In ours, the general contempt of the people is as fatal as their detestation. Such, I am persuaded, would be the necessary effect of any base concession made by the present House of Commons, and, as a qualifying measure would not be accepted, it remains for you to decide whether you will, at any hazard, support a set of men, who have reduced you to this unhappy dilemma, or whether you will gratify the united wishes of the whole people of England by dissolving the parliament.

Taking it for granted, as I do very sincerely, that you have personally no design against the constitution, nor any views inconsistent with the good of your subjects, I think you cannot hesitate long upon the choice, which it equally concerns your interest, and your honour to adopt. On one side, you hazard the affections of all your English subjects; you relinquish every hope of

repose to yourself, and you endanger the establishment of your family for ever. All this you venture for no object whatsoever, or for such an object, as it would be an affront to you to name. Men of sense will examine your conduct with suspicion; while those who are incapable of comprehending to what degree they are injured, afflict you with clamours equally insolent and unmeaning. Supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy, without the hope of a compensation either from interest or ambition. If an English King be hated or despised, he *must* be unhappy; and this perhaps is the only political truth, which he ought to be convinced of without experiment. But if the English people should no longer confine their resentment to a submissive representation of their wrongs; if, following the glorious example of their ancestors, they should no longer appeal to the creature of the constitution, but to that high Being, who gave them the rights of humanity, whose gifts it were sacrilege to surrender, let me ask you, Sir, upon what part of your subjects would you rely for assistance.

The people of Ireland have been uniformly plundered and oppressed. In return, they give you every day fresh marks of their resentment. They despise the miserable governor you have

sent them*, because he is the creature of Lord Bute; nor is it from any natural confusion in their ideas, that they are so ready to confound the original of a King with the disgraceful representation of him.

The distance of the Colonies would make it impossible for them to take an active concern in your affairs, if they were as well affected to your government as they once pretended to be to your person. They were ready enough to distinguish between *you* and your ministers. They complained of an act of the legislature, but traced the origin of it no higher than to the servants of the crown: They pleased themselves with the hope that their Sovereign, if not favourable to their cause, at least was impartial. The decisive, personal part you took against them, has effectually banished that first distinction from their minds†. They consider you as united with your

* Viscount Townshend, sent over on the plan of being resident governor. The history of his ridiculous administration shall not be lost to the public. AUTHOR.

This promise the author did not fulfil; but see his Miscellaneous Letters, No. IV. et seq. on the appointment of this nobleman to the Lord Lieutenancy. EDIT.

† In the King's speech of 8 November, 1768, it was declared "That the spirit of faction had broken out afresh in some of the colonies, and, in one of them, proceeded to acts of violence and resistance to the execution of the laws;—that Boston was in a state of disobedience to all law and government, and had proceeded to measures subversive of the consti-

servants against America, and know how to distinguish the Sovereign and a venal parliament on one side, from the real sentiments of the English people on the other. Looking forward to independence, they might possibly receive you for their King; but, if ever you retire to America, be assured they will give you such a covenant to digest, as the presbytery of Scotland would have been ashamed to offer to Charles the second. They left their native land in search of freedom, and found it in a desart. Divided as they are into a thousand forms of policy and religion, there is one point in which they all agree:—they equally detest the pageantry of a King, and the supercilious hypocrisy of a bishop.

It is not then from the alienated affections of Ireland or America, that you can reasonably look for assistance; still less from the people of England, who are actually contending for their rights, and in this great question, are parties against you. You are not, however, destitute of every appearance of support: You have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all Scotland without exception. Considering from what family you are descended, the choice of your friends has been singularly directed; and truly, Sir, if you

tution, and attended with circumstances, that manifested a disposition to throw off their dependance on Great Britain."

had not lost the Whig interest of England, I should admire your dexterity in turning the hearts of your enemies. Is it possible for you to place any confidence in men, who, before they are faithful to you, must renounce every opinion, and betray every principle, both in church and state, which they inherit from their ancestors, and are confirmed in by their education? whose numbers are so inconsiderable, that they have long since been obliged to give up the principles and language which distinguish them as a party, and to fight under the banners of their enemies? Their zeal begins with hypocrisy, and must conclude in treachery. At first they deceive; at last they betray.

As to the Scotch, I must suppose your heart and understanding so biassed, from your earliest infancy, in their favour, that nothing less than *your own* misfortunes can undeceive you. You will not accept of the uniform experience of your ancestors; and when once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith. A bigoted understanding can draw a proof of attachment to the house of Hanover from a notorious zeal for the house of Stuart, and find an earnest of future loyalty in former rebellions. Appearances are however in their favour: so strongly indeed, that one would think they had forgotten that you are

their lawful King, and had mistaken you for a pretender to the crown. Let it be admitted then that the Scotch are as sincere in their present professions, as if you were in reality not an Englishman, but a Briton of the North. You would not be the first prince, of their native country, against whom they have rebelled, nor the first whom they have basely betrayed. Have you forgotten, Sir, or has your favourite concealed from you that part of our history, when the unhappy Charles, (and he too had private virtues) fled from the open, avowed indignation of his English subjects, and surrendered himself at discretion to the good faith of his own countrymen. Without looking for support in their affections as subjects, he applied only to their honour as gentlemen, for protection. They received him as they would your Majesty, with bows, and smiles, and falsehood, and kept him until they had settled their bargain with the English parliament; then basely sold their native king to the vengeance of his enemies. This, Sir, was not the act of a few traitors, but the deliberate treachery of a Scotch parliament, representing the nation. A wise prince might draw from it two lessons of equal utility to himself. On one side he might learn to dread the undisguised resentment of a generous people, who dare openly assert their rights, and who, in a just cause, are

ready to meet their Sovereign in the field. On the other side, he would be taught to apprehend something far more formidable ;—a fawning treachery, against which no prudence can guard, no courage can defend. The insidious smile upon the cheek would warn him of the canker in the heart.

From the uses to which one part of the army has been too frequently applied*, you have some reason to expect, that there are no services they would refuse. Here too we trace the partiality of your understanding. You take the sense of the army from the conduct of the guards, with the same justice with which you collect the sense of the people from the representations of the ministry. Your marching regiments, Sir, will not make the guards their example either as soldiers or subjects. They feel and resent, as they ought to do, that invariable, undistinguishing favour with which the guards are treated†; while those

* See Miscellaneous Letters, No. xxiv. in which the Author discusses this subject more at large. EDIT.

† The number of commissioned officers in the guards are to the marching regiments as *one* to eleven ;—the number of regiments given to the guards, compared with those given to the line, is about three to one, at a moderate computation; consequently the partiality in favour of the guards is as thirty-three to one.—So much for the officers.—The private men have fourpence a day to subsist on; and five hundred lashes, if they desert. Under this punishment, they frequently expire. With these encouragements, it is supposed, they may be depended upon,

gallant troops, by whom every hazardous, every laborious service is performed, are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe their country, their resentment would operate like patriotism, and leave your cause to be defended by those, to whom you have lavished the rewards and honours of their profession. The Prætorian Bands, enervated and debauched as they were, had still strength enough to awe the Roman populace: but when the distant legions took the alarm, they marched to Rome, and gave away the empire.

On this side then, which ever way you turn your eyes, you see nothing but perplexity and distress. You may determine to support the very ministry who have reduced your affairs to this deplorable situation: you may shelter yourself under the forms of a parliament, and set your people at defiance. But be assured, Sir, that such a resolution would be as imprudent as it would be odious. If it did not immediately shake your establishment, it would rob you of your peace of mind for ever.

upon, whenever a certain person thinks it necessary to butcher his *fellow-subjects*. AUTHOR.

The impolicy here pointed out has been since acknowledged and acted upon: and the soldier of the present day has no reason to complain either of poverty of income, or severity of discipline. EDIT.

On the other, how different is the prospect! How easy, how safe and honourable is the path before you! The English nation declare they are grossly injured by their representatives, and solicit your Majesty to exert your lawful prerogative, and give them an opportunity of recalling a trust, which, they find, has been scandalously abused. You are not to be told that the power of the House of Commons is not original, but delegated to them for the welfare of the people, from whom they received it. A question of right arises between the constituent and the representative body. By what authority shall it be decided? Will your Majesty interfere in a question in which you have properly no immediate concern.—It would be a step equally odious and unnecessary. Shall the Lords be called upon to determine the rights and privileges of the Commons?—They cannot do it without a flagrant breach of the constitution. Or will you refer it to the judges?—They have often told your ancestors, that the law of parliament is above them. What party then remains, but to leave it to the people to determine for themselves? They alone are injured; and since there is no superior power, to which the cause can be referred, they alone ought to determine.

I do not mean to perplex you with a tedious

argument upon a subject already so discussed, that inspiration could hardly throw a new light upon it. There are, however, two points of view, in which it particularly imports your Majesty to consider the late proceedings of the House of Commons. By depriving a subject of his birthright, they have attributed to their own vote an authority equal to an act of the whole legislature; and, though perhaps not with the same motives, have strictly followed the example of the long parliament, which first declared the regal office useless, and soon after with as little ceremony, dissolved the House of Lords. The same pretended power, which robs an English subject of his birthright, may rob an English King of his crown. In another view, the resolution of the House of Commons, apparently not so dangerous to your Majesty, is still more alarming to your people. Not contented with divesting one man of his right, they have arbitrarily conveyed that right to another. They have set aside a return as illegal, without daring to censure those officers, who were particularly apprized of Mr. Wilkes's incapacity, not only by the declaration of the House, but expressly by the writ directed to them, and, who nevertheless returned him as duly elected. They have rejected the majority of votes, the only criterion, by which our laws judge of the sense of the peo-

ple; they have transferred the right of election from the collective to the representative body; and by these acts, taken separately or together, they have essentially altered the original constitution of the House of Commons. Versed, as your Majesty undoubtedly is, in the English history, it cannot easily escape you, how much it is your interest, as well as your duty, to prevent one of the three estates from encroaching upon the province of the other two, or assuming the authority of them all. When once they have departed from the great constitutional line, by which all their proceedings should be directed, who will answer for their future moderation? Or what assurance will they give you, that, when they have trampled upon their equals, they will submit to a superior? Your Majesty may learn hereafter, how nearly the slave and tyrant are allied.

Some of your council, more candid than the rest, admit the abandoned profligacy of the present House of Commons, but oppose their dissolution upon an opinion, I confess not very unwarrantable, that their successors would be equally at the disposal of the treasury. I cannot persuade myself that the nation will have profited so little by experience. But if that opinion were well founded, you might then gratify our wishes at an easy rate, and appease the pre-

sent clamour against your government, without offering any material injury to the favourite cause of corruption.

You have still an honourable part to act. The affections of your subjects may still be recovered. But before you subdue *their* hearts, you must gain a noble victory over your own. Discard those little, personal resentments, which have too long directed your public conduct. Pardon this man the remainder of his punishment; and if resentment still prevails, make it, what it should have been long since, an act not of mercy, but contempt. He will soon fall back into his natural station,—a silent senator, and hardly supporting the weekly eloquence of a newspaper. The gentle breath of peace would leave him on the surface, neglected and unremoved. It is only the tempest, that lifts him from his place *.

* It is evident from other passages, as well as the present, that JUNIUS was not, strictly speaking, a partisan of Mr. Wilkes, though he was a determined enemy to the decision of the House of Commons with respect to the Middlesex election. Mr. Wilkes, previous to the judgment of the court of King's Bench for two libels, which are more particularly touched upon in the Editor's note to Letter XLVI. presented the following address and petition to the King, to neither of which, however, was any answer returned. It is to these documents that JUNIUS alludes in the recommendation given in the foregoing paragraph:

TO

Without consulting your minister, call together your whole council. Let it appear to

TO THE KING'S MOST EXCELLENT MAJESTY.

SIRE,

I BEG to throw myself at your Majesty's feet, and to supplicate that mercy and clemency which shine with such lustre among your many princely virtues.

Some former ministers, whom your Majesty, in condescension to the wishes of your people, thought proper to remove, employed every wicked and deceitful art to oppress your subjects, and to revenge their own personal cause on me, whom they imagined to be the principal author of bringing to the public view their ignorance, insufficiency, and treachery to your Majesty and the nation.

I have been the innocent but unhappy victim of their revenge. I was forced by their injustice and violence into an exile, which I have never ceased for several years to consider as the most cruel oppression, because I no longer could be under the benign protection of your Majesty in the land of liberty.

With a heart full of zeal for the service of your Majesty, and my country, I implore, Sire, your clemency. My only hopes of pardon are founded in the great goodness and benevolence of your Majesty; and every day of freedom you may be graciously pleased to permit me the enjoyment of in my dear native land, shall give proofs of my zeal and attachment to your service.

I am,

SIRE,

Your Majesty's most obedient,
and dutiful subject,
JOHN WILKES.

March 4, 1768.

the public that you can determine and act for yourself. Come forward to your people. Lay aside the wretched formalities of a King, and speak to your subjects with the spirit of a man, and in the language of a gentleman. Tell them you have been fatally deceived. The acknowledgment will be no disgrace, but rather an honour to your understanding. Tell them you are determined to remove every cause of com-

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of John Wilkes,

SHEWETH,

THAT your Petitioner, having stood forth in support of the constitutional rights of this kingdom, in opposition to a late violent administration, hath been severely prosecuted at law, and sentenced to pay a heavy fine, and to suffer an imprisonment of twenty-two months; that the unfair methods employed to convict your petitioner have been palpable and manifest; that the petitioner has always been your Majesty's loyal subject, zealously attached to your illustrious house, and will remain the same to the end of his life; that he looks up to the throne only for that protection and justice, which eminently distinguish your Majesty's royal character; that your petitioner, with the greatest deference, submits the whole of his case to your Majesty's consideration, and humbly supplicates your royal clemency.

And your Petitioner,
as in duty bound,
shall ever pray.

King's Bench Prison,
Nov. 28, 1768.

JOHN WILKES.

plaint against your government; that you will give your confidence to no man, who does not possess the confidence of your subjects; and leave it to themselves to determine, by their conduct at a future election, whether or no it be in reality the general sense of the nation, that their rights have been arbitrarily invaded by the present House of Commons, and the constitution betrayed. They will then do justice to their representatives and to themselves.

These sentiments, Sir, and the stile they are conveyed in, may be offensive, perhaps, because they are new to you. Accustomed to the language of courtiers, you measure their affections by the vehemence of their expressions; and, when they only praise you indirectly, you admire their sincerity. But this is not a time to trifle with your fortune. They deceive you, Sir, who tell you that you have many friends, whose affections are founded upon a principle of personal attachment. The first foundation of friendship is not the power of conferring benefits, but the equality with which they are received, and *may* be returned. The fortune, which made you a King, forbad you to have a friend. It is a law of nature which cannot be violated with impunity. The mistaken Prince, who looks for friendship, will find a favourite, and in that favourite the ruin of his affairs.

The people of England are loyal to the house of Hanover, not from a vain preference of one family to another, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. This, Sir, is a principle of allegiance equally solid and rational;—fit for Englishmen to adopt, and well worthy of your Majesty's encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart, of itself, is only contemptible;—armed with the sovereign authority, their principles are formidable. The Prince, who imitates their conduct, should be warned by their example; and while he plumes himself upon the security of his title to the crown, should remember that, as it was acquired by one revolution, it may be lost by another *.

JUNIUS.

* A writer in the Public Advertiser, who employed the signature of Modestus, and is occasionally noticed by JUNIUS, under some one of his auxiliary signatures, published in the same newspaper a counter-epistle to the King, but it does not appear to have attracted much attention. It was the peculiar misfortune of the administration of the period before us, to be more ruined by their own writers than their own misdeeds. The date of this letter of Modestus is Dec. 23, 1769. EDIT.

LETTER XXXVI.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, 14 *Feb.* 1770.

If I were personally your enemy, I might pity and forgive you. You have every claim to compassion, that can arise from misery and distress. The condition you are reduced to would disarm a private enemy of his resentment, and leave no consolation to the most vindictive spirit, but that such an object, as you are, would disgrace the dignity of revenge *. But in the relation you have borne to this country, you have no title to indulgence; and if I had followed the dictates of my own opinion, I never should have allowed you the respite of a moment. In your public character, you have injured every subject of the empire; and though

* The duke had now resigned the office of first lord of the treasury, harassed and worn out by the attacks of Lord Chatham and his friends in parliament, and of Junius, and the petitioners and remonstrators from all parts of the country out of parliament. He resigned abruptly, and left the cabinet in some confusion, Lord Camden having not long before been compelled to leave the office of Lord Chancellor, and Mr. Charles Yorke, who had been called to succeed him, having killed himself through mere political vexation. The Duke of Grafton was succeeded by Lord North. EDIT.

an individual is not authorized to forgive the injuries done to society, he is called upon to assert his separate share in the public resentment. I submitted however to the judgment of men, more moderate, perhaps more candid, than myself. For my own part, I do not pretend to understand those prudent forms of decorum, those gentle rules of discretion, which some men endeavour to unite with the conduct of the greatest and most hazardous affairs. Engaged in the defence of an honourable cause, I would take a decisive part.—I should scorn to provide for a future retreat, or to keep terms with a man, who preserves no measures with the public. Neither the abject submission of deserting his post in the hour of danger, nor even the *sacred shield of cowardice should protect him. I would pursue him through life, and try the last exertion of my abilities to preserve the perishable infamy of his name, and make it immortal.

What then, my Lord, is this the event of all the sacrifices you have made to Lord Bute's patronage, and to your own unfortunate ambition? Was it for this you abandoned your earliest friendships,—the warmest connexions of

* —— *Sacro tremuere timore.* Every coward pretends to be planet-struck.

your youth, and all those honourable engagements, by which you once solicited, and might have acquired the esteem of your country? Have you secured no recompence for such a waste of honour?—Unhappy man! what party will receive the common deserter of all parties? Without a client to flatter, without a friend to console you, and with only one companion from the honest house of Bloomsbury, you must now retire into a dreadful solitude. At the most active period of life, you must quit the busy scene, and conceal yourself from the world, if you would hope to save the wretched remains of a ruined reputation. The vices operate like age,—bring on disease before its time, and in the prime of youth leave the character broken and exhausted.

Yet your conduct has been mysterious, as well as contemptible. Where is now that firmness, or obstinacy so long boasted of by your friends, and acknowledged by your enemies? We were taught to expect, that you would not leave the ruin of this country to be completed by other hands, but were determined either to gain a decisive victory over the constitution, or to perish bravely at least behind the last dyke of the prerogative. You knew the danger, and might have been provided for it. You took sufficient time to prepare for a meeting with

your parliament, to confirm the mercenary fidelity of your dependants, and to suggest to your Sovereign a language suited to his dignity at least, if not to his benevolence and wisdom. Yet, while the whole kingdom was agitated with anxious expectation upon one great point, you meanly evaded the question, and, instead of the explicit firmness and decision of a King, gave us nothing but the misery of a ruined * grazier, and the whining piety of a Methodist. We had reason to expect, that notice would have been taken of the petitions which the King has received from the English nation; and although I can conceive some personal motives for not yielding to them, I can find none, in

* There was something wonderfully pathetic in the mention of the *horned cattle*. AUTHOR.

It was with this term that the speech from the throne may be said to have commenced—in allusion to the distemper among the *horned cattle*, a kind of murrain which had prevailed largely on the continent, and to prevent the importation of which into this country, various regulations had been adopted by the privy council during the recess. It was impossible for JUNIUS to restrain from this stroke of pleasantry upon the Duke of Grafton, the inditer or composer of the royal speech.

While the speech thus condescended to take notice of the veterinary concerns of the nation, the petitions and remonstrances that had been presented from the city, from Westminster, from Surrey, York, and other parts of the kingdom, were purposely disregarded and treated with silent contempt.

EDIT.

common prudence or decency, for treating them with contempt. Be assured, my Lord, the English people will not tamely submit to this unworthy treatment;—they had a right to be heard, and their petitions, if not granted, deserved to be considered. Whatever be the real views and doctrine of a court, the Sovereign should be taught to preserve some forms of attention to his subjects, and if he will not redress their grievances, not to make them a topic of jest and mockery among lords and ladies of the bedchamber. Injuries may be atoned for and forgiven; but insults admit of no compensation. They degrade the mind in its own esteem, and force it to recover its level by revenge. This neglect of the petitions was however a part of your original plan of government, nor will any consequences it has produced account for your deserting your Sovereign, in the midst of that distress, in which you and your * new friends had involved him. One would think, my Lord, you might have taken this spirited resolution before you had dissolved the last of those early connexions, which once, even in your own opinion, did honour to your youth;—before you had obliged Lord Granby to quit a service he was attached to;—before you had discarded

* The Bedford party.

one chancellor*, and killed another†. To what an abject condition have you laboured to reduce the best of princes, when the unhappy man, who yields at last to such personal instance and solicitation, as never can be fairly employed against a subject, feels himself degraded by his compliance, and is unable to survive the disgraceful honours which his gracious Sovereign had compelled him to accept. He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character. I know your Grace too well to appeal to your feelings upon this event; but there is another heart, not yet, I hope, quite callous to the touch of humanity, to which it ought to be a dreadful lesson for ever‡.

Now, my Lord, let us consider the situation to which you have conducted, and in which you have thought it adviseable to abandon your royal master. Whenever the people have complained, and nothing better could be said in defence of the measures of government, it has

* See note * in p. 90. Lord Granby had resigned about the time of the dismission of Lord Camden, and for similar reasons.

† Honourable Charles Yorke, brother of Lord Hardwicke. See the above note in p. 90.

‡ The most secret particulars of this detestable transaction shall, in due time, be given to the public. The people shall know what kind of man they have to deal with.

been the fashion to answer us, though not very fairly, with an appeal to the private virtues of our Sovereign. "Has he not, to relieve the people, surrendered a considerable part of his revenue?—Has he not made the judges independent, by fixing them in their places for life?"—My Lord, we acknowledge the gracious principle, which gave birth to these concessions, and have nothing to regret, but that it has never been adhered to. At the end of seven years, we are loaded with a debt of above five hundred thousand pounds upon the civil list, and we now see the chancellor of Great Britain tyrannically forced out of his office, not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honest opinion in parliament, upon the greatest constitutional question, that has arisen since the revolution *.—We care not to

* The question here alluded to, was the legality of the vote of the House of Commons, which seated Mr. Luttrell for the county of Middlesex. A great debate arose upon this subject in the House of Lords on the opening of the session, January 9, 1770, in which Lord Camden expressed his decided disapprobation of the conduct pursued by the lower house, in the following energetic terms:—" I consider the decision upon that affair, as a direct attack upon the first principles of the constitution; and if, in the judicial exercise of my office, I were to pay any regard to that, or to any other such vote, passed in opposition to the known and established laws of the land, I should look upon myself as a traitor to my trust, and an enemy to my country."

This

whose private virtues you appeal; the theory of such a government is falsehood and mockery;—the practice is oppression. You have laboured then (though I confess to no purpose) to rob your master of the only plausible answer, that ever was given in defence of his government,—of the opinion, which the people had conceived of his personal honour and integrity.—The Duke of Bedford was more moderate than your Grace. He only forced his master to violate a solemn promise made to an * individual. But you, my Lord, have successfully extended your advice to every political, every moral engagement, that could bind either the magistrate or the man. The condition of a King is often miserable, but it required your Grace's abilities to make it contemptible.—You will say perhaps that the faithful servants, in whose hands you have left him, are able to retrieve his honour, and to support his government. You have publicly declared, even since your resignation, that you

This public avowal of an opinion, so contrary to the proceedings, if not to the views, of administration, was considered by them as a total defection; and on the 17th of the same month, Lord Camden received a message from the secretary of state's office, desiring, in his Majesty's name, that he would deliver up the seals that evening at seven o'clock; which he did accordingly, into his Majesty's own hands. EDIT.

* Mr. Stuart Mackenzie.—See the instance referred to in Vol. I. Letter XII. note. EDIT.

approved of their measures, and admired their characters, particularly that of the Earl of Sandwich *. What a pity it is, that, with all this approbation, you should think it necessary to separate yourself from such amiable companions. You forget, my Lord, that while you are lavish in the praise of men whom you desert, you are publicly opposing your conduct to your opinions, and depriving yourself of the only plausible pretence you had for leaving your Sovereign overwhelmed with distress; I call it plausible, for, in truth, there is no reason whatsoever, less than the frowns of your master, that could justify a man of spirit for abandoning his post at a moment so critical and important? It is in vain to evade the question. If you will not speak out, the public have a right to judge from appearances. We are authorized to conclude, that you either differed from your colleagues, whose measures you still affect to defend, or that you thought the administration of the King's affairs no longer tenable. You are at liberty to choose between the hypocrite and the coward. Your best friends are in doubt which way they shall incline. Your country unites the characters, and gives you credit for them both. For my own part, I see nothing

* Lord Sandwich had been first Lord of the Admiralty, and was again nominated to this post in 1771. EDIT.

inconsistent in your conduct. You began with betraying the people,—you conclude with betraying the King.

In your treatment of particular persons, you have preserved the uniformity of your character. Even Mr. Bradshaw declares, that no man was ever so ill used as himself. As to the provision * you have made for his family, he was intitled to it by the house he lives in. The successor of one Chancellor might well pretend to be the rival of another. It is the breach of private friendship which touches Mr. Bradshaw: and to say the truth, when a man of his rank and abilities had taken so active a part in your affairs, he ought not to have been let down at last with a miserable pension of fifteen hundred pounds a year.

* A pension of 1500l. per annum, insured upon the 4 1-half per cents, (he was too cunning to trust to Irish security) for the lives of himself and all his sons. This gentleman, who a very few years ago was clerk to a contractor for forage, and afterwards exalted to a petty post in the war office, thought it necessary (as soon as he was appointed secretary to the treasury) to take that great house in Lincoln's-Inn-Fields, in which the earl of Northington had resided, while he was lord high chancellor of Great Britain. As to the pension, Lord North very solemnly assured the House of Commons, that no pension was ever so well deserved as Mr. Bradshaw's.—N. B. Lord Camden and Sir Jeffery Amherst are not near so well provided for, and Sir Edward Hawke, who saved the state, retires with two thousand pounds a year, on the Irish establishment, from which he in fact receives less than Mr. Bradshaw's pension.

Colonel Luttrell, Mr. Onslow, and Governor Burgoyne, were equally engaged with you, and have rather more reason to complain than Mr. Bradshaw. These are men, my Lord, whose friendship you should have adhered to on the same principle, on which you deserted Lord Rockingham, Lord Chatham, Lord Camden, and the Duke of Portland. We can easily account for your violating your engagements with men of honour, but why should you betray your *natural* connexions? Why separate yourself from Lord Sandwich, Lord Gower, and Mr. Rigby, or leave the three worthy gentlemen abovementioned to shift for themselves? With all the fashionable indulgence of the times, this country does not abound in characters like theirs; and you may find it a difficult matter to recruit the black catalogue of your friends.

The recollection of the royal patent you sold to Mr. Hine, obliges me to say a word in defence of a man whom you have taken the most dishonourable means to injure*. I do not refer to the sham prosecution which you affected to carry on against him. On that ground, I doubt not he is prepared to meet you with tenfold recrimination, and set you at defiance. The injury you have done him affects his moral charac-

* See Private Letters, Nos. 15 and 17, and note to p. 52. of this vol. EDIT.

ter. You knew that the offer to purchase the reversion of a place, which has heretofore been sold under a decree of the court of Chancery, however imprudent in his situation, would no way tend to cover him with that sort of guilt which you wished to fix upon him in the eyes of the world. You laboured then, by every species of false suggestion, and even by publishing counterfeit letters, to have it understood, that he had proposed terms of accommodation to you, and had offered to abandon his principles, his party, and his friends. You consulted your own breast for a character of consummate treachery, and gave it to the public for that of Mr. Vaughan. I think myself obliged to do this justice to an injured man, because I was deceived by the appearances thrown out by your Grace, and have frequently spoken of his conduct with indignation. If he really be, what I think him, honest, though mistaken, he will be happy in recovering his reputation, though at the expense of his understanding. Here, I see, the matter is likely to rest. Your Grace is afraid to carry on the prosecution. Mr. Hine keeps quiet possession of his purchase; and Governor Burgoyne, relieved from the apprehension of refunding the money, sits down, for the remainder of his life, INFAMOUS AND CONTENTED.

I believe, my Lord, I may now take my

leave of you for ever. You are no longer that resolute minister, who had spirit to support the most violent measures; who compensated for the want of great and good qualities, by a brave determination, (which some people admired and relied on) to maintain himself without them. The reputation of obstinacy and perseverance might have supplied the place of all the absent virtues. You have now added the last negative to your character, and meanly confessed that you are destitute of the common spirit of a man. Retire then, my Lord, and hide your blushes from the world; for, with such a load of shame, even BLACK may change its colour. A mind such as yours, in the solitary hours of domestic enjoyment, may still find topics of consolation. You may find it in the memory of violated friendship; in the afflictions of an accomplished prince, whom you have disgraced and deserted, and in the agitations of a great country, driven, by *your* councils, to the brink of destruction.

The palm of ministerial firmness is now transferred to Lord North. He tells us so himself, with the plenitude of the *ore rotundo* *; and I am ready enough to believe, that, while he can keep his place, he will not easily be per-

* This eloquent person has got as far as the *discipline* of Demosthenes. He constantly speaks with pebbles in his mouth, to improve his articulation.

suaded to resign it. Your Grace was the firm minister of yesterday: Lord North is the firm minister of to-day. To-morrow, perhaps, his Majesty, in his wisdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it possible that Lord North should be permitted to govern this country. If we may believe common fame, they have shewn him their superiority already. His Majesty is indeed too gracious to insult his subjects, by chusing his first minister from among the domestics of the Duke of Bedford. That would have been too gross an outrage to the three kingdoms. Their purpose, however, is equally answered by pushing forward this unhappy figure*, and forcing it to bear the odium of measures, which they in reality direct. Without immediately appearing to govern, they possess the power, and distribute the emoluments of government as they think proper. They still adhere to the spirit of that calculation, which made Mr. Luttrell representative of Middlesex. Far from regretting your retreat, they assure us very gravely, that it increases the real strength of the ministry. According to this way of rea-

* Those who had the pleasure of being acquainted with the amiable Earl of Guildford, here spoken of, or have in any other way duly estimated his virtues, will feel the bitterness of this sarcasm, though they must acknowledge its truth. EDIT.

soning, they will probably grow stronger, and more flourishing, every hour they exist; for I think there is hardly a day passes in which some one or other of his Majesty's servants does not leave them to improve by the loss of his assistance. But, alas! their countenances speak a different language. When the Members drop off, the main body cannot be insensible of its approaching dissolution. Even the violence of their proceedings is a signal of despair. Like broken tenants, who have had warning to quit the premises, they curse their landlord, destroy the fixtures, throw every thing into confusion, and care not what mischief they do to the estate.

JUNIUS.

LETTER XXXVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 19 *March*, 1770.

I BELIEVE there is no man, however indifferent about the interests of this country, who will not readily confess that the situation, to which we are now reduced, whether it has arisen from the violence of faction, or from an arbitrary system of government, justifies the most melancholy apprehensions, and calls for the exertion of whatever wisdom or vigour is left among

us. The King's answer to the remonstrance of the city of London*, and the measures since

* The city of London, the city and liberty of Westminster, the counties of Middlesex, Surrey, &c. had presented petitions to his Majesty to dissolve the parliament, in consequence of the illegal rejection of Wilkes by the lower House, after having been returned for the fourth time as a knight of the shire for the county of Middlesex. These petitions had not been graciously received; and the petitioners next assumed a bolder tone, and approached the throne with *remonstrances* upon the answers that had been returned to them. The remonstrance presented by the city of Westminster is contained in note to Private Letter, No. 22. The remonstrance of the Lord Mayor, Aldermen, and Livery, here referred to, was, after some difficulty, presented to his Majesty, Mar. 14, 1770. For the particulars of this dispute, see Editor's note to Miscellaneous Letters, No. LXX. The following is a copy of the remonstrance, &c.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Address, Remonstrance, and Petition, of the Lord Mayor, Aldermen, and Livery of the city of London, in Common Hall assembled.

" *May it please your Majesty,*

" WE have already in our petition dutifully represented to your Majesty, the chief injuries we have sustained. We are unwilling to believe that your Majesty can slight the desires of your people, or be regardless of their affection, and deaf to their complaints. Yet their complaints remain unanswered; their injuries are confirmed; and the only judge removeable at the pleasure of the crown, has been dismissed from his high office, for defending in parliament, the law and the constitution.

" We, therefore, venture once more to address ourselves to your Majesty, as to the father of your people; as to him who

 must

adopted by the ministry, amount to a plain declaration that the principle, on which Mr. Lut-

must be both able and willing to redress our grievances; and we repeat our application with the greater propriety, because we see the instruments of our wrongs, who have carried into execution the measures of which we complain, more particularly distinguished by your Majesty's royal bounty and favour.

"Under the same secret and malign influence, which through each successive administration has defeated every good, and suggested every bad intention, the majority of the House of Commons have deprived your people of their dearest rights.

"They have done a deed more ruinous in its consequences than the levying of ship money by Charles the first; or the dispensing power assumed by James the second. A deed, which must vitiate all the future proceedings of this parliament, for the acts of the legislature itself can no more be valid without a legal House of Commons, than without a legal Prince upon the throne.

"Representatives of the people are essential to the making of laws, and there is a time when it is morally demonstrable, that men cease to be representatives; that time is now arrived: The present House of Commons do not represent the people.

"We owe to your Majesty, an obedience under the restrictions of the laws for the calling and duration of parliaments; and your Majesty owes to us, that our representation, free from the force of arms or corruption, should be preserved to us in parliament. It was for this we successfully struggled under James the second; for this we seated, and have faithfully supported your Majesty's family on the throne: The people have been invariably uniform in their object, though the different mode of attack has called for a different defence.

"Under James the second, they complained that the sitting of parliament was interrupted, because it was not corruptly subservient to his designs: We complain now, that the sitting of this parliament is not interrupted, because it is corrupt-

cedly

trell was seated in the House of Commons, is to be supported in all its consequences, and carried

edly subservient to the designs of your Majesty's ministers. Had the parliament, under James the second, been as submissive to his commands, as the parliament is at this day to the dictates of a minister; instead of clamours for its meeting, the nation would have rung, as now, with outcries for its dissolution.

" The forms of the constitution, like those of religion, were not established for the form's sake, but for the substance; and we call GOD and men to witness, that as we do not owe our liberty to those nice and subtle distinctions, which places and pensions, and lucrative employments have invented; so neither will we be deprived of it by them; but as it was gained by the stern virtue of our ancestors, by the virtue of their descendants it shall be preserved.

" Since, therefore, the misdeeds of your Majesty's ministers, in violating the freedom of election, and depraving the noble constitution of parliaments, are notorious, as well as subversive of the fundamental laws and liberties of this realm; and since your Majesty, both in honour and justice, is obliged inviolably to preserve them, according to the oath made to GOD and your subjects at your coronation: We your Majesty's remonstrants assure ourselves, that your Majesty will restore the constitutional government and quiet of your people, by dissolving this parliament, and removing those evil ministers for ever from your councils."

To which His Majesty returned the following answer:

" I shall always be ready to receive the requests, and to listen to the complaints of my subjects; but it gives me great concern, to find that any of them should have been so far misled, as to offer me an address and remonstrance, the contents of which I cannot but consider as disrespectful to me,

injurious

to its utmost extent. The same spirit, which violated the freedom of election, now invades

injurious to my parliament, and irreconcileable to the principles of the constitution.

" I have ever made the law of the land the rule of my conduct, esteeming it my chief glory to reign over a free people: with this view, I have always been careful, as well to execute faithfully the trust reposed in me, as to avoid even the appearance of invading any of those powers, which the constitution has placed in other hands. It is only by persevering in such a conduct, that I can either discharge my own duty, or secure to my subjects the free enjoyment of those rights which my family were called to defend, and, while I act upon these principles, I shall have a right to expect, and I am confident I shall continue to receive, the steady and affectionate support of my people."

There was at the same time a declaration against the remonstrance, drawn up and subscribed by the aldermen on the ministerial side, and the following address to His Majesty was jointly presented by both Houses of Parliament.

The humble Address of the Right Honourable the Lords Spiritual and Temporal, and Commons, in Parliament assembled, presented to His Majesty on Friday the 23d day of March, 1770.

" *Most gracious Sovereign,*

" We your Majesty's most dutiful and faithful subjects, the Lords Spiritual and Temporal, and Commons of Great Britain, in parliament assembled, having taken into consideration the address lately presented to your Majesty under the title of 'The humble Address, Remonstrance, and Petition of the Lord Mayor, Aldermen, and Livery of the City of London, in Common Hall assembled,' together with the answer which your Majesty was pleased to make to the same; think ourselves

indispensably

the declaration and bill of rights, and threatens to punish the subject for exercising a privilege,

indispensably obliged, upon this occasion, to express to your Majesty the extreme concern and indignation which we feel at finding that an application has been made to your Majesty, in terms so little corresponding with that grateful and affectionate respect which your Majesty is so justly intitled to from all your subjects, at the same time aspersing and calumniating one of the branches of the legislature, and expressly denying the legality of the present parliament, and the validity of its proceedings.

" To present petitions to the throne has at all times been the undoubted right of the subjects of this realm. The free enjoyment of that right was one of the many blessings restored by the revolution, and continued to us, in its fullest extent, under the princes of your Majesty's illustrious house: And as we are duly sensible of its value and importance, it is with the deepest concern that we now see the exercise of it so grossly perverted, by being applied to the purpose, not of preserving. but of overturning the constitution, and of propagating doctrines, which, if generally adopted, must be fatal to the peace of the kingdom, and which tend to the subversion of all lawful authority.

" Your Majesty, we acknowledge with gratitude, has ever shewn the most tender regard to the rights of your people, not only in the exercise of your own power, but in your care to preserve from every degree of infringement or violation the powers intrusted to others. And we beg leave to return your Majesty our unfeigned thanks for the fresh proof you have now given us, of your determination to persevere in your adherence to the principles of the constitution.

" Permit us also to assure your Majesty, that it is with the highest satisfaction we see your Majesty expressing so just a confidence in your people. In whatever unjustifiable excesses

hitherto undisputed, of petitioning the crown. The grievances of the people are aggravated by

some few misguided persons may in this instance have been seduced to join, your Majesty's subjects in general are too sensible of what they owe both to your Majesty and to your illustrious family, ever to be capable of approaching your Majesty with any other sentiments than those of the most entire respect and affection; and they understand too well their own true interests to wish to loosen the bands of obedience to the laws, and of due subordination to lawful authority. We are therefore fully persuaded that your Majesty's people, as well as your parliament, will reject with disdain every insidious suggestion of those ill-designing men, who are in reality undermining the public liberty, under the specious pretence of zeal for its preservation; and that your Majesty's attention to maintain the liberties of your subjects inviolated, which you esteem your chief glory, will, upon every occasion, prove the sure means of strength to your Majesty, and secure to you that zealous and effectual support, which none but a free people can bestow."

His Majesty's Answer.

"My lords and gentlemen, I return you many thanks for this very loyal and dutiful address. It is with great satisfaction that I receive from my parliament so grateful an acknowledgment of my tender regard for the rights of my subjects. Be assured that I shall continue to adhere to the true principles of our excellent constitution; from which I cannot deviate without justly forfeiting the affections of a free people."

The city in its corporate capacity, however, dissatisfied with His Majesty's reply, and still more so with the notice which had been taken of its remonstrance in parliament, ventured to draw up and present another address and remonstrance, which was done on the ensuing May 23, and ran as follows:

insults; their complaints not merely disregarded, but checked by authority; and every one of

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Address, Remonstrance, and Petition, of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled.

" *May it please your Majesty,*

" WHEN your Majesty's most faithful subjects, the citizens of London, whose loyalty and affection has been so often and so effectually proved and experienced by the illustrious house of Brunswick, are labouring under the weight of that displeasure, which your Majesty has been advised to lay upon them, in the answer given from the throne to their late humble application, we feel ourselves constrained with all humility to approach the royal father of his people.

" Conscious, Sire, of the purest sentiments of veneration which they entertain for your Majesty's person, we are deeply concerned that what the law allows, and the constitution teaches, hath been misconstrued into disrespect to your Majesty, by the instruments of that influence which shakes the realm.

" Perplexed and astonished as we are, by the awful sentence of censure, lately passed upon the citizens of London, in your Majesty's answer from the throne, we cannot, without surrendering all that is dear to Englishmen, forbear most humbly to supplicate, that your Majesty will deign to grant a more favourable interpretation to this dutiful, though persevering claim to our invaded birth-rights; nothing doubting, that the benignity of your Majesty's nature, will to our unspeakable comfort, at length break through all the secret and visible machinations, to which the city of London owes its late severe repulse, and that your kingly justice, and fatherly tenderness, will disclaim the malignant and pernicious advice which suggested the answer we deplore; an advice of most dangerous tendency, in as much,

those acts, against which they remonstrated, confirmed by the King's decisive approbation.

much, as thereby the exercise of the clearest rights of the subject, namely to petition the King for redress of grievances, to complain of the violation of the freedom of election, and to pray dissolution of parliament, to point out mal-practices in administration, and to urge the removal of evil ministers, hath, by the generality of one compendious word, been indiscriminately checked with reprimand; and your Majesty's afflicted citizens of London, have heard from the throne itself, that the contents of their humble address, remonstrance, and petition, laying their complaints and injuries at the feet of their Sovereign, cannot but be considered by your Majesty, as disrespectful to yourself, injurious to your parliament, and irreconcileable to the principles of the constitution.

" Your Majesty cannot disapprove that we here assert the clearest principles of the constitution, against the insidious attempt of evil counsellors, to perplex, confound, and shake them. We are determined to abide by those rights and liberties, which our forefathers bravely vindicated at the ever memorable revolution, and which their sons will always resolutely defend: We therefore now renew, at the foot of the throne, our claim to the indispensible right of the subject, a full, free, and unmutilated parliament, legally chosen in all its members: A right, which this House of Commons have manifestly violated, depriving, at their will and pleasure, the county of Middlesex of one of its legal representatives, and arbitrarily nominating, as a knight of the shire, a person not elected by a majority of the freeholders. As the only constitutional means of reparation now left for the injured electors of Great Britain, we implore, with most urgent supplication, the dissolution of this present parliament, the removal of evil ministers, and the total extinction of that fatal influence which has caused such a national discontent. In the mean time, Sire, we offer our con-

stant

At such a moment, no honest man will remain silent or inactive. However distinguished by rank or property, in the rights of freedom we are all equal. As we are Englishmen, the least considerable man among us has an interest equal to the proudest nobleman, in the laws and constitution of his country, and is equally called upon to make a generous contribution in support of them;—whether it be the heart to conceive,

stant prayers to heaven, that your Majesty may reign, as kings can only reign, in and by the hearts of a loyal, dutiful, and free people."

His Majesty's Answer, delivered the 23d May, 1770.

"I should have been wanting to the public, as well as to myself, if I had not expressed my dissatisfaction at the late address.

"My sentiments on that subject continue the same, and I should ill deserve to be considered as the Father of my people, if I should suffer myself to be prevailed upon to make such an use of my prerogative, as I cannot but think inconsistent with the interest, and dangerous to the constitution of the kingdom."

The Lord Mayor then addressed His Majesty in the following words:

"*Most gracious Sovereign,*

"WILL your Majesty be pleased so far to condescend as to permit the Mayor of your loyal city of London, to declare in your royal presence, on behalf of his fellow citizens, how much the bare apprehension of your Majesty's displeasure would at all times affect their minds. The declaration of that displeasure, has already filled them with inexpressible anxiety and

the understanding to direct, or the hand to execute. It is a common cause, in which we are all interested, in which we should all be engaged. The man who deserts it at this alarming crisis, is an enemy to his country, and, what I think of infinitely less importance, a traitor to his Sovereign. The subject, who is truly loyal to the chief magistrate, will neither advise nor submit to arbitrary measures. The city of London

with the deepest affliction. Permit me, Sire, to assure your Majesty, that your Majesty has not in all your dominions any subjects more faithful, more dutiful, or more affectionate to your Majesty's person and family, or more ready to sacrifice their lives and fortunes in the maintenance of the true honour and dignity of your crown.

"We do, therefore, with the greatest humility and submission, most earnestly supplicate your Majesty, that you will not dismiss us from your presence, without expressing a more favourable opinion of your faithful citizens, and without some comfort, without some prospect at least of redress.

"Permit me, Sire, farther to observe, that whoever has already dared, or shall hereafter endeavour by false insinuations and suggestions, to alienate your Majesty's affections from your loyal subjects in general, and from the city of London in particular, and to withdraw your confidence in and regard for your people, is an enemy to your Majesty's person and family, a violator of the public peace, and a betrayer of our happy constitution, as it was established at the glorious revolution."

Mr. Beckford was at this time Lord Mayor, and it is this reply which the corporation has had engraven beneath the statue erected to his memory at the West end of Guildhall.

EDIT.

have given an example, which, I doubt not, will be followed by the whole kingdom. The noble spirit of the metropolis is the life-blood of the state, collected at the heart: from that point it circulates, with health and vigour, through every artery of the constitution. The time is come, when the body of the English people must assert their own cause: conscious of their strength, and animated by a sense of their duty, they will not surrender their birthright to ministers, parliaments, or kings.

The city of London have expressed their sentiments with freedom and firmness; they have spoken truth boldly; and, in whatever light their remonstrance may be represented by courtiers, I defy the most subtle lawyer in this country to point out a single instance, in which they have exceeded the truth. Even that assertion, which we are told is most offensive to parliament, in the theory of the English constitution, is strictly true. If any part of the representative body be not chosen by the people, that part vitiates and corrupts the whole. If there be a defect in the representation of the people, that power, which alone is equal to the making of laws in this country, is not complete, and the acts of parliament under that circumstance, are not the acts of a pure and entire legislature. I speak of the theory of our con-

stitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain, that, as far as the fact deviates from the principle, so far the practice is vicious and corrupt. I have not heard a question raised upon any other part of the remonstrance. That the principle, on which the Middlesex election was determined, is more pernicious in its effects, than either the levying of ship-money, by Charles the first, or the suspending power assumed by his son, will hardly be disputed by any man who understands or wishes well to the English constitution. It is not an act of open violence done by the King, or any direct and palpable breach of the laws attempted by his minister, that can ever endanger the liberties of this country. Against such a King or minister the people would immediately take the alarm, and all parties unite to oppose him. The laws may be grossly violated in particular instances, without any direct attack upon the whole system. Facts of that kind stand alone; they are attributed to necessity, not defended upon principle. We can never be really in danger, until the forms of parliament are made use of to destroy the substance of our civil and political liberties;—until parliament itself betrays its trust, by contributing to establish new principles of government, and employing the very

weapons committed to it by the collective body, to stab the constitution.

As for the terms of the remonstrance, I presume it will not be affirmed, by any person less polished than a gentleman usher, that this is a season for compliments. Our gracious King indeed is abundantly civil to himself. Instead of an answer to a petition, his majesty, very gracefully pronounces his own panegyric; and I confess, that, as far as his personal behaviour, or the royal purity of his intentions is concerned, the truth of those declarations, which the minister has drawn up for his master, cannot decently be disputed. In every other respect, I affirm, that they are absolutely unsupported, either in argument or fact. I must add too, that supposing the speech were otherwise unexceptionable, it is not a direct answer to the petition of the city. His Majesty is pleased to say, that he is always ready to receive the requests of his subjects; yet the sheriffs were twice sent back with an excuse, and it was certainly debated in council whether or no the magistrates of the city of London should be admitted to an audience. Whether the remonstrance be or be not injurious to parliament, is the very question between the parliament and the people, and such a question as cannot be decided by the assertion of a third party, however respectable. That the

petitioning for a dissolution of parliament is irreconcileable with the principles of the constitution is a new doctrine. His Majesty perhaps has not been informed, that the House of Commons themselves have, by a formal resolution, admitted it to be the right of the subject. His Majesty proceeds to assure us that he has made the laws the rule of his conduct.—Was it in ordering or permitting his ministers to apprehend Mr. Wilkes by a general warrant?—Was it in suffering his ministers to revive the obsolete maxim of *nullum tempus* to rob the Duke of Portland of his property, and thereby give a decisive turn to a county election * ? Was it in erecting a chamber consultation of surgeons, with authority to examine into and supersede the legal verdict of a jury †? Or did his Majesty consult the laws of this country, when he permitted his secretary of state to declare, that whenever the civil magistrate is trifled with, a military force must be sent for, *without the delay of a moment*, and effectually employed ‡? Or

* See JUNIUS, Letters LVII. and LXVII. and notes. EDIT.

† See note in Vol. I. p. 111. EDIT.

‡ Previous to the riot which took place May 10, 1768, as noticed in Miscellaneous Letters, No. XXIV. the following letter was issued by Lord Barrington, to which Mr. Wilkes wrote an introduction, as noticed in Letter XI. Vol. I. p. 132, an act which formed a part of the offence for which that gentleman was expelled the House of Commons. Curious as this letter

was it in the barbarous exactness with which this illegal, inhuman doctrine was carried into execution?—If his Majesty had recollected these facts, I think he would never have said, at least with any reference to the measures of his government, that he had made the laws the rule of his conduct. To talk of preserving the affections, or relying on the support of his sub-

letter is, it has not been preserved even in the Annual Register.

Copy.

SIR, St. James's, April 17, 1768.

Having already signified the King's pleasure to the Lord Lieutenant of the County in which you reside, with regard to the measures to be taken in general for preserving the peace, at a time that so very riotous a disposition has discovered itself among the common people, I make no doubt but that either some steps have, or will immediately be taken by him on that head; and, I take it for granted, that as chairman of the Sessions, you will meet the gentlemen, who act in the commission of the peace for the Borough of Southwark and East Hundred of Brixton, to consult together, and fix upon some plan for securing the public tranquillity against any mischiefs which may happen, should the same indecent spirit of tumult and disorder which has appeared in the city and liberties of Westminster, spread itself to those parts which are within the line of your duty, and though I am persuaded it is unnecessary to suggest to you, or the gentlemen who will meet you, any part of your duty on such an occasion, yet, after the recent alarming instances of riot and confusion, I can't help apprizing you, that much will depend upon the preventive measures which you shall, in conjunction with the other gentlemen in the commission of the peace, take, upon your meeting, and much is expected from the vigilance and activity with which

jects, while he continues to act upon these principles, is indeed paying a compliment to their loyalty, which I hope they have too much spirit and understanding to deserve.

His Majesty, we are told, is not only punctual in the performance of his own duty, but careful not to assume any of those powers which the constitution has placed in other hands. Ad-

which such measures will be carried into execution. When I inform you, that every possible precaution is taken to support the dignity of your office; that upon application from the civil magistrate at the Tower, the Savoy, or the War Office, he will find a military force ready to march to his assistance, and to act according as he shall find it expedient and necessary; I need not add, that if the public peace is not preserved, and if any riotous proceedings, which may happen, are not suppressed, the blame will, most probably, be imputed to a want of prudent and spirited conduct in the civil magistrate. As I have no reason to doubt your caution and discretion in not calling for troops till they are wanted; so, on the other hand, I hope you will not delay a moment calling for their aid, and making use of them effectually where there is occasion; that occasion always presents itself, when the civil power is trifled with and insulted, nor can a military force ever be employed to a more constitutional purpose, than in support of the authority and dignity of magistracy. BARRINGTON.

P. S. I have, for the greater caution, sent copies of this letter to the members for the Borough, and Mr. Pownall. If you should have received no directions from Lord Onslow for a meeting, you will consider this as sufficient authority for that purpose.

Daniel Ponton, Esq. Chairman of the
Quarter Sessions, Lambeth. EDIT.

mitting this last assertion to be strictly true, it is no way to the purpose. The city of London have not desired the King to assume a power placed in other hands. If they had, I should hope to see the person who dared to present such a petition immediately impeached*. They solicit their Sovereign to exert that constitutional authority, which the laws have vested in

* "When his Majesty had done reading his speech, the Lord Mayor, &c. had the honour of kissing his Majesty's hand; after which, as they were withdrawing, his Majesty instantly turned round to his courtiers, *and burst out a laughing.*

"*Nero fiddled, whilst Rome was burning.*" JOHN HORNE.

AUTHOR.

Mr. Horne having furnished the printer of the Public Advertiser with a detail of the proceedings on presenting the remonstrance on the 14th of March, concluded it with the whole of the words quoted by JUNIUS as the foregoing note, for which a prosecution was commenced against the Printer, but which was not persevered in.

Mr. Horne also sent to the Printer the particulars which occurred on presenting the Remonstrance of the 14th of May at St. James's, to which he added as follows:—

N.B. The writer of the above account having given great offence to some persons by inserting in a former paper, that—*Nero fiddled whilst Rome was burning*—and an Information having been filed by the Attorney General against the Printer in consequence, takes this opportunity to declare, that it was not his intention to falsify an historical fact, or to give offence to better memories; he hopes therefore it will be admitted as a recompence, if he now declares that Nero *did not* fiddle whilst Rome was burning. EDIT.

him, for the benefit of his subjects. They call upon him to make use of his lawful prerogative in a case, which our laws evidently supposed might happen, since they have provided for it by trusting the Sovereign with a discretionary power to dissolve the parliament. This request will, I am confident, be supported by remonstrances from all parts of the kingdom. His Majesty will find at last, that this is the sense of his people, and that it is not his interest to support either ministry or parliament, at the hazard of a breach with the collective body of his subjects.—That he is the King of a free people, is indeed his greatest glory. That he may long continue the King of a free people, is the second wish that animates my heart. The first is, THAT THE PEOPLE MAY BE FREE *.

JUNIUS.

* As the Letters of JUNIUS have been by some attributed to Mr. Dunning, and as the beginning of the third paragraph of that gentleman's answer to the Chamberlain of London, on being presented with the freedom of the city, has a striking resemblance to the structure and sentiments with which this letter concludes, the reader will excuse its insertion in this place, though it has no reference to the subject of the letter itself.

" Mr. Chamberlain,

" I am to request the favour of you to represent me to the Lord Mayor, Aldermen, and Commons of London, as duly sensible of the great, but, I must add, unmerited honour they have done me; for surely, Sir, there is little merit in acting

on

LETTER XXXVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 3 *April*, 1770.

In my last letter I offered you my opinion of the truth and propriety of his Ma-

on one's own opinions, and I cannot, with a safe conscience, pretend to any other.

" Convinced as I am, that our happy constitution has given us the most perfect system of government the world has ever seen, and that it is therefore our common interest and duty to oppose every practice, and combat every principle that tends to impair it. Any other conduct than that which the City of London has been pleased to distinguish by its approbation, must in my own judgment have rendered me equally unworthy of the office I had then the honour to hold through his Majesty's favour, and of the trust reposed in me as one of the representatives of the people.

" *To discharge faithfully the duties of whatever situation we are placed in is among the first objects of honest ambition. To be thought to have done so, I consider as a second.* Consequently I cannot but feel a high degree of satisfaction in this testimony of the good opinion of so respectable a body as the citizens of London; and it is no inconsiderable addition to that satisfaction, that it gives me a nearer relation to men who have been usually among the foremost to assert and maintain those legal and constitutional rights which are essential to the general interests of the community.

" I have nothing to add, Sir, but my acknowledgements to you for the obliging expressions you have used in executing your commission.

March 27, 1771. J. DUNNING." EDIT.

jesty's answer to the city of London, considering it merely as the speech of a minister, drawn up in his own defence, and delivered, as usual, by the chief magistrate. I would separate as much as possible, the King's personal character and behaviour from the acts of the present government. I wish it to be understood that his Majesty had in effect no more concern in the substance of what he said, than Sir James Hodges * had in the remonstrance, and that as Sir James, in virtue of his office, was obliged to speak the sentiments of the people, his Majesty might think himself bound, by the same official obligation, to give a graceful utterance to the sentiments of his minister. The cold formality of a well repeated lesson is widely distant from the animated expression of the heart.

This distinction, however, is only true with respect to the measure itself. The consequences of it reach beyond the minister, and materially affect his Majesty's honour. In their own nature they are formidable enough to alarm a man of prudence, and disgraceful enough to afflict a man of spirit. A subject, whose sincere attachment to his Majesty's person and family is

* Town Clerk to the city of London, who signed for the corporation the city petition and remonstrance. EDIT.

founded upon rational principles, will not, in the present conjuncture, be scrupulous of alarming, or even of afflicting his Sovereign. I know there is another sort of loyalty, of which his Majesty has had plentiful experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken possession of an unhappy Prince, it seldom leaves him without accomplishing his destruction. When the poison of their doctrines has tainted the natural benevolence of his disposition, when their insidious counsels have corrupted the *stamina* of his government, what antidote can restore him to his political health and honour, but the firm sincerity of his English subjects?

It has not been usual in this country, at least since the days of Charles the first, to see the Sovereign personally at variance, or engaged in a direct altercation with his subjects. Acts of grace and indulgence are wisely appropriated to him, and should constantly be performed by himself. He never should appear but in an amiable light to his subjects. Even in France, as long as any ideas of a limited monarchy were thought worth preserving, it was a maxim, that no man should leave the royal presence discontented. They have lost or renounced the moderate principles of their government, and now, when their parliaments venture to remonstrate,

the tyrant comes forward, and answers absolutely for himself. The spirit of their present constitution requires that the King should be feared, and the principle, I believe, is tolerably supported by the fact. But, in *our* political system, the theory is at variance with the practice, for the King should be beloved. Measures of greater severity may, indeed, in some circumstances, be necessary; but the minister who advises, should take the execution and odium of them entirely upon himself. He not only betrays his master, but violates the spirit of the English constitution, when he exposes the chief magistrate to the personal hatred or contempt of his subjects. When we speak of the firmness of government, we mean an uniform system of measures, deliberately adopted, and resolutely maintained by the servants of the crown, not a peevish asperity in the language or behaviour of the Sovereign. The government of a weak, irresolute monarch may be wise, moderate, and firm;—that of an obstinate, capricious prince, on the contrary, may be feeble, undetermined and relaxed. The reputation of public measures depends upon the minister, who is responsible, not upon the King, whose private opinions are not supposed to have any weight against the advice of his counsel, whose personal authority should therefore never be in-

terposed in public affairs.—This, I believe, is true, constitutional doctrine. But, for a moment, let us suppose it false. Let it be taken for granted, that an occasion may arise, in which a King of England shall be compelled to take upon himself the ungrateful office of rejecting the petitions, and censuring the conduct of his subjects; and let the City remonstrance be supposed to have created so extraordinary an occasion. On this principle, which I presume no friend of administration will dispute, let the wisdom and spirit of the ministry be examined. They advise the King to hazard his dignity, by a positive declaration of his own sentiments;—they suggest to him a language full of severity and reproach. What follows? When his Majesty had taken so decisive a part in support of his ministry and parliament, he had a right to expect from *them* a reciprocal demonstration of firmness in their own cause, and of zeal for *his* honour. He had reason to expect (and such, I doubt not, were the blustering promises of Lord North) that the persons, whom he had been advised to charge with having failed in their respect to him, with having injured parliament, and violated the principles of the constitution, should not have been permitted to escape without some severe marks of the displeasure and vengeance of parliament. As the mat-

ter stands, the minister, after placing his Sovereign in the most unfavourable light to his subjects, and after attempting to fix the ridicule and odium of his own precipitate measures upon the royal character, leaves him a solitary figure upon the scene, to recall, if he can, or to compensate, by future compliances, for one unhappy demonstration of ill-supported firmness, and ineffectual resentment. As a man of spirit, his Majesty cannot but be sensible, that the lofty terms in which he was persuaded to reprimand the city, when united with the silly conclusion of the business, resemble the pomp of a mock-tragedy, where the most pathetic sentiments, and even the sufferings of the hero are calculated for derision.

Such has been the boasted firmness and consistency of a minister*, whose appearance in the House of Commons was thought essential to the King's service;—whose presence was to influence every division:—who had a voice to persuade, an eye to penetrate, a gesture to command. The reputation of these great qualities has been fatal to his friends. The little dignity of Mr. Ellis

* Lord North. This graceful minister is oddly constructed. His tongue is a little too big for his mouth, and his eyes a great deal too big for their sockets. Every part of his person sets natural proportion at defiance. At this present writing, his head is supposed to be much too heavy for his shoulders.

has been committed. The mine was sunk;—combustibles provided, and Welbore Ellis, the Guy Faux of the fable, waited only for the signal of command. All of a sudden the country gentlemen discover how grossly they have been deceived;—the minister's heart fails him, the grand plot is defeated in a moment, and poor Mr. Ellis and his motion taken into custody. From the event of Friday last*, one would imagine, that some fatality hung over this gentleman. Whether he makes or suppresses a motion, he is equally sure of his disgrace. But the complexion of the times will suffer no man to be vice-treasurer of Ireland with impunity†.

* It was at first intended by the cabinet that the house should be requested to unite with his Majesty in punishing the lord mayor and sheriffs for the insult offered to the Sovereign by their petition and remonstrance; and a vote to this effect was to have been moved by Mr. Ellis, afterwards Lord Mendip, and in the author's own note called Mannikin, on account of his diminutive stature; subsequently determined to have recourse to less violent measures; and the conduct of the metropolitan corporation was in consequence, merely censured by a vote of the house, and the preceding address to his Majesty from both houses, apprizing him of such censure: a measure which was followed by another address from the city, as noticed in note to p. 110. of this volume. EDIT.

† About this time the courtiers talked of nothing but a bill of pains and penalties against the Lord Mayor and Sheriffs, or impeachment at the least. Little *Mannikin Ellis* told the King that, if the business were left to his management, he would

I do not mean to express the smallest anxiety for the minister's reputation. He acts separately for himself, and the most shameful inconsistency may perhaps be no disgrace to him. But when the Sovereign, who represents the majesty of the state, appears in person, his dignity should be supported. The occasion should be important; —the plan well considered;—the execution steady and consistent. My zeal for his Majesty's real honour compels me to assert, that it has been too much the system of the present reign, to introduce him personally, either to act for, or to defend his servants. They persuade him to do what is properly *their* business, and desert him in the midst of it *. Yet this is

engage to do wonders. It was thought very odd that a motion of so much importance should be entrusted to the most contemptible little piece of machinery in the whole kingdom. His honest zeal however was disappointed. The minister took fright, and at the very instant that little Ellis was going to open, sent him an order to sit down. All their magnanimous threats ended in a ridiculous vote of censure, and a still more ridiculous address to the King. This shameful desertion so afflicted the generous mind of George the third, that he was obliged to live upon potatoes for three weeks, to keep off a malignant fever.—Poor man!—*quis talia fando temperet a lacrymis!* AUTHOR.

See Private Letter, No. 33. EDIT.

* After a certain person had succeeded in cajoling Mr Yorke, he told the Duke of Grafton, with a witty smile, "My Lord,

an inconvenience, to which he must for ever be exposed, while he adheres to a ministry divided among themselves, or unequal in credit and ability to the great task they have undertaken. Instead of reserving the interposition of the royal personage, as the last resource of government, their weakness obliges them to apply it to every ordinary occasion, and to render it cheap and common in the opinion of the people. Instead of supporting their master, they look to *him* for support; and for the emolument of remaining one day more in office, care not how much his sacred character is prostituted and dishonoured.

If I thought it possible for this paper to reach the closet, I would venture to appeal at once to his Majesty's judgment. I would ask him, but in the most respectful terms, "As you are a young man, Sir, who ought to have a life of happiness in prospect,—as you are a husband,—as you are a father, [your filial duties I own have been religiously performed] is it *bona fide* for your interest or your honour to sacrifice your domestic tranquillity, and to live in a perpetual disagreement with your

Lord, you may kill the next Percy yourself."—N. B. He had but that instant wiped the tears away, which overcame Mr. Yorke.

people, merely to preserve such a chain of beings as North, Barrington, Weymouth, Gower, Ellis, Onslow, Rigby, Jerry Dyson, and Sandwich? Their very names are a satire upon all government, and I defy the gravest of your chaplains to read the catalogue without laughing."

For my own part, Sir, I have always considered addresses from parliament as a fashionable, unmeaning formality. Usurpers, ideots, and tyrants have been successively complimented with almost the same professions of duty and affection. But let us suppose them to mean exactly what they profess. The consequences deserve to be considered. Either the Sovereign is a man of high spirit and dangerous ambition, ready to take advantage of the treachery of his parliament, ready to accept of the surrender they make him of the public liberty;—or he is a mild, undesigning prince, who, provided they indulge him with a little state and pageantry, would of himself intend no mischief. On the first supposition, it must soon be decided by the sword, whether the constitution should be lost or preserved. On the second, a prince no way qualified for the execution of a great and hazardous enterprize, and without any determined object in view, may nevertheless be driven into such desperate measures, as may

lead directly to his ruin, or disgrace himself by a shameful fluctuation between the extremes of violence at one moment, and timidity at another. The minister perhaps may have reason to be satisfied with the success of the present hour, and with the profits of his employment. He is the tenant of the day, and has no interest in the inheritance. The Sovereign himself is bound by other obligations, and ought to look forward to a superior, a permanent interest. His paternal tenderness should remind him, how many hostages he has given to society. The ties of nature come powerfully in aid of oaths and protestations. The father, who considers his own precarious state of health, and the possible hazard of a long minority, will wish to see the family estate free and unincumbered *. What is the dignity of the crown, though it were really maintained;—what is the honour of parliament, supposing it could exist without any foundation of integrity and justice;—or what is the vain reputation of firmness, even if the scheme of government were uniform and consistent, compared with the heart-felt affections of the people, with the happiness and security of the royal family, or even with the grate-

* Every true friend of the house of Brunswick sees with affliction, how rapidly some of the principal branches of the family have dropped off.

ful acclamations of the populace! Whatever style of contempt may be adopted by ministers or parliaments, no man sincerely despises the voice of the English nation. The House of Commons are only interpreters, whose duty it is to convey the sense of the people faithfully to the crown. If the interpretation be false or imperfect, the constituent powers are called upon to deliver their own sentiments. Their speech is rude, but intelligible;—their gestures fierce, but full of explanation. Perplexed by sophistries, their honest eloquence rises into action. The first appeal was to the integrity of their representatives;—the second to the King's justice;—the last argument of the people, whenever they have recourse to it, will carry more perhaps than persuasion to parliament, or supplication to the throne.

JUNIUS.

LETTER XXXIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 28 *May*, 1770.

WHILE parliament was sitting, it would neither have been safe, nor perhaps quite regular, to offer any opinion to the public, upon the justice or wisdom of their proceedings. To

pronounce fairly upon their conduct, it was necessary to wait until we could consider, in one view, the beginning, progress, and conclusion of their deliberations. The cause of the public was undertaken and supported by men, whose abilities and united authority, to say nothing of the advantageous ground they stood on, might well be thought sufficient to determine a popular question in favour of the people. Neither was the House of Commons so absolutely engaged in defence of the ministry, or even of their own resolutions, but that *they* might have paid some decent regard to the known disposition of their constituents, and, without any dishonour to their firmness, might have retracted an opinion too hastily adopted, when they saw the alarm it had created, and how strongly it was opposed by the general sense of the nation. The ministry too would have consulted their own immediate interest, in making some concession satisfactory to the moderate part of the people. Without touching the fact, they might have consented to guard against, or give up the dangerous principle, on which it was established. In this state of things, I think it was highly improbable at the beginning of the session, that the complaints of the people upon a matter, which, in *their* apprehension at least, immediately affected the life of the constitution,

would be treated with as much contempt by their own representatives, and by the House of Lords, as they had been by the other branch of the legislature. Despairing of their integrity, we had a right to expect something from their prudence, and something from their fears. The Duke of Grafton certainly did not foresee to what an extent the corruption of a parliament might be carried. He thought, perhaps, that there still was some portion of shame or virtue left in the majority of the House of Commons, or that there was a line in public prostitution, beyond which they would scruple to proceed. Had the young man been a little more practised in the world, or had he ventured to measure the characters of other men by his own, he would not have been so easily discouraged.

The prorogation of parliament naturally calls upon us to review their proceedings, and to consider the condition in which they have left the kingdom. I do not question but they have done what is usually called the King's business, much to his Majesty's satisfaction *. We have only to lament, that, in consequence of a system introduced or revived in the present

* "The temper with which you have conducted all your proceedings, has given me great satisfaction." King's speech on closing the session of Parliament, May 19, 1770. EDIT.

reign, this kind of merit should be very consistent with the neglect of every duty they owe to the nation. The interval between the opening of the last and the close of the former session was longer than usual *. Whatever were the views of the minister, in deferring the meeting of parliament, sufficient time was certainly given to every member of the House of Commons, to look back upon the steps he had taken, and the consequences they had produced. The zeal of party, the violence of personal animosities, and the heat of contention had leisure to subside. From that period, whatever resolution they took was deliberate and prepense. In the preceding session, the dependents of the ministry had affected to believe, that the final determination of the question would have satisfied the nation, or at least put a stop to their complaints; as if the certainty of an evil could diminish the sense of it, or the nature of injustice could be altered by decision. But they found the people of England were in a temper very distant from submission; and, although it was contended that the House of Commons could not themselves reverse a resolution, which had the force and effect of a judicial sentence, there were other constitutional expedients, which would have given a security

* There was no autumnal session this year. Parliament did not meet till January 9, 1769—70. EDIT.

against any similar attempts for the future. The general proposition, in which the whole country had an interest, might have been reduced to a particular fact, in which Mr. Wilkes and Mr. Luttrell would alone have been concerned. The House of Lords might interpose;—the King might dissolve the parliament;—or, if every other resource failed, there still lay a grand constitutional writ of error in behalf of the people, from the decision of one court to the wisdom of the whole legislature. Every one of these remedies has been successively attempted. The people performed *their* part with dignity, spirit, and perseverance. For many months his Majesty heard nothing from his subjects but the language of complaint and resentment;—unhappily for this country, it was the daily triumph of his courtiers that he heard it with an indifference approaching to contempt.

The House of Commons having assumed a power unknown to the constitution, were determined not merely to support it in the single instance in question, but to maintain the doctrine in its utmost extent, and to establish the fact as a precedent in law, to be applied in whatever manner his Majesty's servants should hereafter think fit. Their proceedings upon this occasion are a strong proof that a decision, in the first instance illegal and unjust, can only be

supported by a continuation of falsehood and injustice. To support their former resolutions, they were obliged to violate some of the best known and established rules of the House. In one instance they went so far as to declare, in open defiance of truth and common sense, that it was not the rule of the House to divide a complicated question, at the request of a member *. But after trampling upon the laws of the land, it

* This extravagant resolution appears in the votes of the house; but, in the minutes of the committees, the instances of resolutions contrary to law and truth, or of refusals to acknowledge law and truth when proposed to them, are innumerable. AUTHOR.

The following is a more particular explanation of the fact alluded to:

The house having on the 30th of January, 1770, resolved itself into a committee on the state of the nation, the ensuing declaration was proposed, "That in the exercise of its jurisdiction, the house ought to judge of elections by the law of the land, and by the custom of parliament, which is part of that law." This being the first of a string of resolutions that were to lead to a condemnation of the principles on which the determination of the Middlesex election had taken place, it was contended on the part of the ministry that according to the usage of the house, the entire series could not be divided; to which the speaker having assented, the ministry next moved that the whole of the intended resolutions, except the first, should be omitted, and that the following amendment should be added to it:—"And that the judgment of this house in the case of John Wilkes was agreeable to the law of the land, and fully authorized by the practice of parliament." This was carried by 224 to 180. EDIT.

was not wonderful that they should treat the private regulations of their own assembly with equal disregard. The speaker, being young in office, began with pretending ignorance, and ended with deciding for the ministry. We were not surprized at the decision; but he hesitated and blushed at his own baseness *, and every man was astonished †.

The interest of the public was vigorously supported in the House of Lords. Their right to defend the constitution against any incroachment of the other estates, and the necessity of

* Sir Fletcher Norton was now speaker of the House of Commons. He had commenced his political career as a violent Whig: but for some time past had exhibited the most complete tergiversation, and had been as warm in the cause of Toryism, as the warmest of its oldest espousers. He was elected to the chair January 22, 1770, on the resignation of Sir John Cust, through ill health, and who died on the same day that Sir Fletcher succeeded him. EDIT.

† When the King first made it a measure of his government to destroy Mr. Wilkes, and when for this purpose it was necessary to run down privilege, Sir Fletcher Norton, with his usual prostituted effrontery, assured the House of Commons, that he should regard one of their votes, no more than a resolution of so many drunken porters. This is the very lawyer, whom Ben Jonson describes in the following lines:

" Gives forked counsel; takes provoking gold,
On either hand, and puts it up.
So wise, so grave, of so perplex'd a tongue,
And *loud* withal, that would not wag, nor scarce
Lie still without *a fee.*"

exerting it at this period, was urged to them with every argument, that could be supposed to influence the heart or the understanding. But it soon appeared, that they had already taken their part, and were determined to support the House of Commons, not only at the expence of truth and decency, but even by a surrender of their own most important rights. Instead of performing that duty which the constitution expects from them, in return for the dignity and independence of their station, in return for the hereditary share it has given them in the legislature, the majority of them made common cause with the other house in oppressing the people, and established another doctrine as false in itself, and if possible more pernicious to the constitution, than that on which the Middlesex election was determined. By resolving "that they had no right to impeach a judgment of the House of Commons in any case whatsoever, where that house has a competent jurisdiction,"* they in effect gave up that

* A motion similar to that recited in the note to p. 139, was made by the Marquis of Rockingham, in the House of Lords, declaring "That the law of the land and the established customs of parliament were the sole rule of determination in all cases of election," which having been lost, was met by one to the purport of that before quoted, which was carried by a large majority; in consequence of which two most strong and

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constitutional check and reciprocal controul of one branch of the legislature over the other, which is perhaps the greatest and most important object provided for by the division of the whole legislative power into three estates; and now, let the judicial decisions of the House of Commons be ever so extravagant, let their declarations of the law be ever so flagrantly false, arbitrary, and oppressive to the subject, the House of Lords have imposed a slavish silence upon themselves;—they cannot interpose,—they cannot protect the subject,—they cannot defend the laws of their country. A concession so extraordinary in itself, so contradictory to the principles of their own institution, cannot but alarm the most unsuspecting mind. We may well conclude, that the Lords would hardly have yielded so much to the other house, without the certainty of a compensation, which can only be made to them at the expense of the people. The arbitrary power they have assumed of imposing fines and committing, during pleasure, will now be exercised in its full

able protests were entered upon the journals of the house, which were signed by no less than forty-two peers. In the last of these, the protesting Lords pledged themselves to the public, that they would avail themselves, as far as in them lay, of every right and every power with which the constitution had armed them for the good of the whole, in order to obtain full relief in behalf of the injured electors of Great Britain. EDIT.

extent *. The House of Commons are too much in their debt to question or interrupt their proceedings. The crown too, we may be well assured, will lose nothing in this new distribution of power. After declaring, that to petition for a dissolution of parliament is irreconcileable with the principles of the constitution †, his Majesty has reason to expect that some extraordinary compliment will be returned to the royal prerogative. The three branches of the legislature seem to treat their separate rights and interests as the Roman Triumvirs did their friends. They reciprocally sacrifice them to the animosities of each other, and establish a detestable union among themselves, upon the ruin of the laws and liberty of the commonwealth.

Through the whole proceedings of the House of Commons in this session, there is an apparent, a palpable consciousness of guilt, which has prevented their daring to assert their own dignity, where it has been immediately and grossly attacked. In the course of doctor Musgrave's examination, he said every thing that can be

* The man who resists and overcomes this iniquitous power, assumed by the Lords, must be supported by the whole people. We have the laws of our side, and want nothing but an intrepid leader. When such a man stands forth, let the nation look to it. It is not *his* cause, but our own.

† See editor's note to Letter XXXVII. p. 108. EDIT.

conceived mortifying to individuals, or offensive to the house. They voted his information frivolous, but they were awed by his firmness and integrity, and sunk under it *. The terms, in which the sale of a patent to Mr. Hine were communicated to the public †, naturally called for a parliamentary enquiry. The integrity of the House of Commons was directly impeached; but they had not courage to move in their own vindication, because the enquiry would have been fatal to colonel Burgoyne, and the Duke of Grafton. When Sir George Saville branded them with the name of traitors to their constituents, when the lord mayor, the sheriffs, and Mr. Trecothick, expressly avowed and maintained every part of the city remonstrance, why did they tamely submit to be insulted? Why did they not immediately expel those refractory members? Conscious of the motives, on which they had acted, they prudently preferred infamy to danger, and were better prepared to meet the contempt, than to rouse the indignation of the

* The examination of this firm, honest man, is printed for *Almon*. The reader will find it a most curious, and a most interesting tract. Doctor Musgrave, with no other support but truth, and his own firmness, resisted, and overcame the whole House of Commons. AUTHOR.

For a further account of the transaction referred to, see editor's note to JUNIUS, No. XXIII. Vol I. p. 231. EDIT.

† See JUNIUS, Letter XXXIII. EDIT.

whole people. Had they expelled those five members *, the consequences of the new doctrine of incapacitation would have come immediately home to every man. The truth of it would then have been fairly tried, without any reference to Mr. Wilkes's private character, or the dignity of the house, or the obstinacy of one particular county. These topics, I know, have had their weight with men, who affecting a character of moderation, in reality consult nothing but their own immediate ease;—who are weak enough to acquiesce under a flagrant violation of the laws, when it does not directly touch themselves, and care not what injustice is practised upon a man, whose moral character they piously think themselves obliged to condemn. In any other circumstances, the House of Commons must have forfeited all credit and dignity, if, after such gross provocation, they had permitted those five gentlemen to sit any longer among them. We should then have seen and felt the operation of a precedent, which is represented to be perfectly barren and harmless. But there is a set of men in this country, whose understandings measure the violation of law, by the magnitude of the instance, not by the im-

* The five members alluded to are Sir George Saville, Mr. Beckford, Mr. Townshend, Mr. Sawbridge, and Mr. Trecothick. EDIT.

portant consequences, which flow directly from the principle, and the minister, I presume, did not think it safe to quicken their apprehension too soon. Had Mr. Hampden reasoned and acted like the moderate men of these days, instead of hazarding his whole fortune in a law-suit with the crown, he would have quietly paid the twenty shillings demanded of him,—the Stuart family would probably have continued upon the throne, and, at this moment, the imposition of ship-money would have been an acknowledged prerogative of the crown.

What then has been the business of the session, after voting the supplies, and confirming the determination of the Middlesex election? The extraordinary prorogation of the Irish parliament *, and the just discontents of that king-

* A law had lately passed in the Irish legislature, rendering the Irish parliaments octennial:—prior to this period, they had been of longer duration, and it was against the will of the court that the law was enacted. The parliament that passed it was prorogued immediately afterwards, and then dissolved, under the hope of a more tractable parliament in future. The minister, however, was deceived: for the new parliament objected, shortly after its meeting, to passing the proposed money-bill, in consequence of its having originated in the Privy-council, instead of in the House of Commons. Lord Townshend, the lord-lieutenant, on December 2, entered a protest on the journals of the Upper House against the rejection of this bill; and intended to have done the same on the journals of the House of Commons; but the latter would not suffer him.

EDIT.

dom, have been passed by without notice. Neither the general situation of our colonies, nor that particular distress which forced the inhabitants of Boston to take up arms in their defence, have been thought worthy of a moment's consideration *. In the repeal of those acts, which were most offensive to America, the parliament have done every thing, but remove the offence. They have relinquished the revenue, but judiciously taken care to preserve the contention.

* The different schemes devised for making the colonies amenable to the legislature of Great Britain, are glanced at in the note to JUNIUS, Letter XII Vol. I. p 117. After the repeal of the stamp act, it was tried whether the Americans would submit to certain custom-house duties, as upon glass, red-lead, tea, &c. But it was the *principle* itself that was obnoxious to the Americans: and hence this attempt was as strenuously resisted as the former. These latter duties were in consequence all relinquished, excepting that on *tea*. The Americans, however, would not submit to this modification, which as much infringed upon their principle, as if no part whatever had been relinquished: government nevertheless insisted upon retaining this impost, and the result is well known. Yet hostilities may be said to have commenced in the first instance at Boston, from a private dispute between two or three soldiers quartered there, and a party of rope-makers. The soldiers in this quarrel were joined by their comrades and even by their officers, and the rope-makers by the inhabitants of the town: in the scuffle that ensued, the officers were struck, the soldiers fired, and several persons in the mob were killed or wounded. Captain Preston, the commanding officer, was afterwards tried but acquitted. EDIT.

It is not pretended that the continuance of the tea duty is to produce any direct benefit whatsoever to the mother country. What is it then but an odious, unprofitable exertion of a speculative right, and fixing a badge of slavery upon the Americans, without service to their masters? But it has pleased God to give us a ministry and a parliament, who are neither to be persuaded by argument, nor instructed by experience.

Lord North, I presume, will not claim any extraordinary merit from any thing he has done this year in the improvement or application of the revenue. A great operation, directed to an important object, though it should fail of success, marks the genius and elevates the character of a minister. A poor contracted understanding deals in little schemes, which dishonour him if they fail, and do him no credit when they succeed. Lord North had fortunately the means in his possession of reducing all the four per cents at once *. The failure of his first enterprize in

* The stock denominated three per cents, had arisen from a loan of two millions raised by government in the 29th of Geo. II. for which a lottery and redeemable annuities at three poundsten shillings per cent. had been granted and secured. Of the annuities one quarter had been paid off, and the sinking fund, which was charged with the remainder, was at this time so fully capable of liquidating it, that a notice to this effect had been given by an order of the House of Commons, dated April 26, 1770.

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finance is not half so disgraceful to his reputation as a minister, as the enterprize itself is injurious to the public. Instead of striking one decisive blow, which would have cleared the market at once, upon terms proportioned to the price of the four per cents six weeks ago, he has tampered with a pitiful portion of a commodity, which ought never to have been touched but in gross;—he has given notice to the holders of that stock, of a design formed by government to prevail upon them to surrender it by degrees, consequently has warned them to hold up and

In consequence of this flourishing state of the three per cents, into which almost every one was buying, the four per cents had been much forsaken, and had sunk below their level. Lord North, by a small bonus, might have induced all the holders of this stock to have transferred it into three per cents instead of receiving four, which would have been a great relief to the public debt; but, though the minister was open to this conviction, he went to work with a timid hand, and took so much time to complete what he did intend, as to forfeit every advantage he might at first have derived. Instead of making a proposal of this kind to embrace the *whole* of the four per cents, he proposed to convert only two millions and a quarter of them into three per cents, and that the bonus should be a lottery for five hundred thousand pounds, divided into fifty thousand tickets, of which every holder of a hundred pounds capital should be intitled, for this supposed difference of fourteen pounds sterling, to two of such lottery tickets. In the prospect of this scheme the four per cents began to rise at the expence of the three per cents, and the object, so far as regarded pecuniary advantage, was completely frustrated.

EDIT.

inhance the price;—so that the plan of reducing the four per cents must either be dropped* entirely, or continued with an increasing disadvantage to the public. The minister's sagacity has served to raise the value of the thing he means to purchase, and to sink that of the three per cents, which it is his purpose to sell. In effect, he has contrived to make it the interest of the proprietor of four per cents to sell out and buy three per cents in the market, rather than subscribe his stock upon any terms, that can possibly be offered by government.

The state of the nation leads us naturally to consider the situation of the King. The prorogation of parliament has the effect of a temporary dissolution. The odium of measures adopted by the collective body sits lightly upon the separate members, who composed it. They retire into summer quarters, and rest from the disgraceful labours of the campaign. But as for the Sovereign, *it is not so with him.* HE has a permanent existence in this country; HE cannot withdraw himself from the complaints, the discontents, the reproaches of his subjects. They pursue him to his retirement, and invade his domestic happiness, when no address can be obtained from an obsequious parliament to encourage or console him. In other times, the interest of the King and people of England was,

as it ought to be, entirely the same. A new system has not only been adopted in fact, but professed upon principle. Ministers are no longer the public servants of the state, but the private domestics of the Sovereign. One particular class of men are permitted to call themselves the King's friends *, as if the body of the people were the King's enemies; or as if his Majesty looked for a resource or consolation, in the attachment of a few favourites, against the general contempt and detestation of his subjects. Edward, and Richard the second, made the same distinction between the collective body of the people, and a contemptible party, who surrounded the throne. The event of their mistaken conduct might have been a warning to their successors. Yet the errors of those princes were not without excuse. They had as many false friends, as our present gracious Sovereign, and infinitely greater temptations to seduce them. They were neither sober, religious, nor demure. Intoxicated with pleasure, they wasted their inheritance in pursuit of it. Their lives were like a rapid torrent, brilliant in prospect,

* "An ignorant, mercenary, and servile crew; unanimous in evil, diligent in mischief, variable in principles, constant to flattery, talkers for liberty, but slaves to power;—styling themselves the court party, and the Prince's only friends."

Davenant.

though useless or dangerous in its course. In the dull, unanimated existence of other princes, we see nothing but a sickly, stagnant water, which taints the atmosphere without fertilizing the soil.—The morality of a King is not to be measured by vulgar rules. His situation is singular. There are faults which do him honour, and virtues that disgrace him. A faultless, insipid equality in his character, is neither capable of vice nor virtue in the extreme; but it secures his submission to those persons, whom he has been accustomed to respect, and makes him a dangerous instrument of *their* ambition. Secluded from the world, attached from his infancy to one set of persons, and one set of ideas, he can neither open his heart to new connexions, nor his mind to better information. A character of this sort is the soil fittest to produce that obstinate bigotry in politics and religion, which begins with a meritorious sacrifice of the understanding, and finally conducts the monarch and the martyr to the block.

At any other period, I doubt not, the scandalous disorders, which have been introduced into the government of all the dependencies of the Empire, would have roused the attention of the public. The odious abuse and prostitution of the prerogative at home,—the unconstitutional employment of the military—the arbitrary

fines and commitments by the House of Lords, and court of King's Bench;—the mercy of a chaste and pious Prince extended cheerfully to a wilful murderer, because that murderer is the brother of a common prostitute*, would, I think, at any other time, have excited universal indignation†. But the daring attack upon the constitution, in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the surface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realised the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman have in truth but one neck, and that to vio-

* Miss Kennedy.

† Matthew and Patrick Kennedy had been condemned to suffer death for the murder of John Bigby, a watchman. Their sister, Miss Kennedy, was a prostitute well known to many of the courtiers of the day, and her intercession availed to obtain for them, first a respite, and afterwards a pardon The widow of Bigby, nevertheless, laid an appeal against the murderers; and a new trial was appointed. The friends of Miss Kennedy, however, bought them off, by a present to the widow of three hundred and fifty pounds; and, in consequence, she desisted from appearing against the prisoners when they were arraigned. EDIT.

late the freedom of election strikes deeply at them all.

JUNIUS.

LETTER XL.

TO LORD NORTH.

MY LORD, 22 *Aug.* 1770.

MR. Luttrell's services were the chief support and ornament of the Duke of Grafton's administration. The honour of rewarding them was reserved for your Lordship. The Duke, it seems, had contracted an obligation he was ashamed to acknowledge, and unable to acquit. You, my lord, had no scruples. You accepted the succession with all its incumbrances, and have paid Mr. Luttrell his legacy, at the hazard of ruining the estate.

When this accomplished youth declared himself the champion of government, the world was busy in enquiring what honours or emoluments could be a sufficient recompence, to a young man of his rank and fortune, for submitting to mark his entrance into life with the universal contempt and detestation of his country.—His noble father had not been so precipitate.—To vacate his seat in parliament;—to intrude upon a county in which he had no interest or connexion;—to possess himself of another man's

right, and to maintain it in defiance of public shame as well as justice, bespoke a degree of zeal or of depravity, which all the favour of a pious Prince could hardly requite. I protest, my Lord, there is in this young man's conduct, a strain of prostitution, which, for its singularity, I cannot but admire. He has discovered a new line in the human character;—he has degraded even the name of Luttrell, and gratified his father's most sanguine expectations.

The Duke of Grafton, with every possible disposition to patronise this kind of merit, was contented with pronouncing colonel Luttrell's panegyric *. The gallant spirit, the disinterested zeal of the young adventurer, were echoed through the House of Lords. His Grace repeatedly pledged himself to the house, as an evidence of the purity of his friend Mr. Luttrell's intentions;—that he had engaged without any prospect of personal benefit, and that the idea of compensation would mortally offend him †. The noble Duke could hardly be in earnest; but he had lately quitted his employment, and began to think it necessary to take some care of his reputation. At that very moment the Irish negociation was probably begun.—Come forward,

* At this time he was only lieutenant-colonel. EDIT.

† He now says that his great object is the rank of colonel, and that he *will* have it.

thou worthy representative of Lord Bute, and tell this insulted country, who advised the King to appoint Mr. Luttrell ADJUTANT-GENERAL to the army in Ireland. By what management was colonel Cuninghame prevailed on to resign his employment, and the obsequious Gisborne to accept of a pension for the government of Kinsale*? Was it an original stipulation with the Princess of Wales, or does he owe his preferment to your Lorship's partiality, or to the Duke of Bedford's friendship? My Lord, though it may not be possible to trace this measure to its source, we can follow the stream, and warn the country of its approaching destruction. The English nation must be roused, and put upon its guard. Mr. Luttrell has already shewn us how far he may be trusted, whenever an open attack is to be made upon the liberties of this

* This infamous transaction ought to be explained to the public. Colonel Gisborne was quarter-master-general in Ireland. Lord Townshend persuades him to resign to a Scotch officer, one Fraser, and gives him the government of Kinsale.—Colonel Cuninghame was adjutant-general in Ireland. Lord Townshend offers him a pension, to induce him to resign to Luttrell. Cuninghame treats the offer with contempt. What's to be done? poor Gisborne must move once more.—He accepts of a pension of £500 a year, until a government of greater value shall become vacant.—Colonel Cuninghame is made governor of Kinsale; and Luttrell, at last, for whom the whole machinery is put in motion, becomes adjutant-general, and in effect takes the command of the army in Ireland.

country. I do not doubt that there is a deliberate plan formed.——Your Lordship best knows by whom;—the corruption of the legislative body on this side—a military force on the other—and then, *Farewell to England!* It is impossible that any minister shall dare to advise the King to place such a man as Luttrell in the confidential post of adjutant-general, if there were not some secret purpose in view, which only such a man as Luttrell is fit to promote. The insult offered to the army in general is as gross as the outrage intended to the people of England. What! Lieutenant-colonel Luttrell, adjutant-general of an army of sixteen thousand men! one would think his Majesty's campaigns at Blackheath and Wimbledon might have taught him better.—I cannot help wishing general Harvey joy of a colleague, who does so much honour to the employment.—But, my Lord, this measure is too daring to pass unnoticed, too dangerous to be received with indifference or submission. You shall not have time to new-model the Irish army. They will not submit to be garbled by colonel Luttrell. As a mischief to the English constitution, (for he is not worth the name of enemy) they already detest him. As a boy, impudently thrust over their heads, they will receive him with indignation and contempt.—As for you, my Lord, who perhaps are

no more than the blind, unhappy instrument of Lord Bute and her Royal Highness the Princess of Wales, be assured that you shall be called upon to answer for the advice, which has been given, and either discover your accomplices, or fall a sacrifice to their security*.

JUNIUS.

* A few days after this letter made its appearance, the writer sent the following article to the Printer of the Public Advertiser, which was inserted according to its date.

INTELLIGENCE EXTRAORDINARY.

Sept. 7, 1770.

COLONEL Luttrell has resigned the post of adjutant-general in Ireland. The necessity of the times had left the minister no alternative, except the sacrifice of this unworthy tool of power, or of himself. The dismission is too ridiculous either to deceive the public, or screen the guilty. Does colonel Luttrell expect to find a shelter from contempt by shunning the rewards of infamy? a character so well established as his own, will render such resources needless. Does the minister console himself with any hopes of crushing the most severe inquiries, because he has meanly rescinded this detestable promotion? The vanity of such dependences may be confirmed before the period of another session. As very few forms concurred to this appointment, except private commissions to a lord lieutenant, we shall not be surprized at that effrontery which may hereafter deny the whole transaction: It is not, however, lost in ignorance, because the royal fiat had, purposely, delayed its progress through the offices of the secretaries of state. It never, perhaps, was intended that this circumstance should have been made public till the destruction of our rights had been at least more easily to be accomplished than it is at present. Let not this insulted country be for a moment off its guard.

LETTER XLI.

TO THE RIGHT HONOURABLE LORD MANSFIELD*.

MY LORD, 14 *November*, 1770.

THE appearance of this letter will attract the curiosity of the public, and command even your Lordship's attention. I am considerably in your debt, and shall endeavour, once for all, to balance the account. Accept of this address, my Lord, as a prologue to more important scenes, in which you will probably be called upon to act or suffer.

You will not question my veracity, when I assure you that it has not been owing to any particular respect for your person that I have abstained from you so long. Besides the distress and danger with which the press is threatened, when your lordship is party, and the party is to be judge, I confess I have been deterred by the

guard. To make the blow secure, the dagger that is to wound the constitution will be as much as possible concealed until the instant that it strikes. From the intentions of administration every thing is to be dreaded; their timidity, indeed, as in the present case, may draw a line, which, were they only to consult the violence of inclination, they might resolve to pass, although the track were marked with horror, blood, and desolation. EDIT.

* See the Private Letter, No. 24. which accompanied this address. EDIT.

difficulty of the task. Our language has no term of reproach, the mind has no idea of detestation, which has not already been happily applied to you, and exhausted.—Ample justice has been done by abler pens than mine to the separate merits of your life and character. Let it be *my* humble office to collect the scattered sweets, till their united virtue tortures the sense.

Permit me to begin with paying a just tribute to Scotch sincerity, wherever I find it. I own I am not apt to confide in the professions of gentlemen of that country, and when they smile, I feel an involuntary emotion to guard myself against mischief. With this general opinion of an ancient nation, I always thought it much to your lordship's honour, that, in your earlier days, you were but little infected with the prudence of your country. You had some original attachments, which you took every proper opportunity to acknowledge. The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of religion*. This, I

* This man was always a rank jacobite. Lord Ravensworth produced the most satisfactory evidence of his having frequently drank the Pretender's health upon his knees. AUTHOR.

Lord Mansfield was descended from the Stormont family, who as they owed their fortune and dignity to James I. evinced a steady

conceive, is the most amiable point of view, in which your character has appeared. Like an honest man, you took that part in politics, which might have been expected from your birth, education, country and connections. There was something generous in your attachment to the banished house of Stuart. We lament the mistakes of a good man, and do not begin to detest him until he affects to renounce his principles. Why did you not adhere to that loyalty you once professed? Why did you not follow the

a steady attachment to his hereditary successors. Lord Mansfield and his brother, in their outset in life, were patronised by Jacobites;—and hence the one became the Pretender's confidential secretary, and the other was chiefly supported, when a student in the Temple, by a Mr. Vernon, a rich Jacobite citizen. It was in the house of this gentleman that the toast here referred to was frequently drunk.

The young lawyer, however, soon found that his principles would not comport with his interest; and on this account, deserted the House of Stuart, and became professedly a staunch adherent to that of Hanover; under which character he was soon fortunate enough to be employed in the very important office of solicitor, and subsequently attorney general, and was on the death of Sir Dudley Ryder in 1756, promoted to be chief justice of the court of King's Bench. His personal and family attachment to the Stuarts was forgotten, and would perhaps have never been revived, had not Liddel, Lord Ravensworth, envious of the confidence reposed in him, sought industriously for some serious accusation against him, and hereby obtained a knowledge of the fact. Ravensworth, however, did not succeed in obtaining Murray's dismission. EDIT.

example of your worthy brother*? With him, you might have shared in the honour of the Pretender's confidence—with him, you might have preserved the integrity of your character, and England, I think, might have spared you without regret.—Your friends will say, perhaps, that although you deserted the fortune of your liege Lord, you have adhered firmly to the principles which drove his father from the throne;—that without openly supporting the person, you have done essential service to the cause, and consoled yourself for the loss of a favourite family, by reviving and establishing the maxims of their government. This is the way, in which a Scotchman's understanding corrects the error of his heart.—My Lord, I acknowledge the truth of the defence, and can trace it through all your conduct. I see through your whole life, one uniform plan to enlarge the power of the crown, at the expense of the liberty of the subject. To this object, your thoughts, words and actions have been constantly directed. In contempt or ignorance of the common law of England, you have made it your study to introduce into the court, where you preside, maxims of jurisprudence unknown to Englishmen. The Roman

* Confidential secretary to the late Pretender. This circumstance confirmed the friendship between the brothers.

code, the law of nations, and the opinion of foreign civilians, are your perpetual theme;— but whoever heard you mention Magna Charta or the Bill of Rights with approbation or respect? By such treacherous arts, the noble simplicity and free spirit of our Saxon laws were first corrupted. The Norman conquest was not complete, until Norman lawyers had introduced their laws, and reduced slavery to a system.—This one leading principle directs your interpretation of the laws, and accounts for your treatment of juries. It is not in political questions only (for there the courtier might be forgiven) but let the cause be what it may, your understanding is equally on the rack, either to contract the power of the jury, or to mislead their judgment. For the truth of this assertion, I appeal to the doctrine you delivered in Lord Grosvenor's cause. An action for criminal conversation being brought by a peer against a prince of the blood*, you were daring enough to tell the jury that, in

* The action was brought by Lord Grosvenor against the Duke of Cumberland, for criminal conversation with Lady Grosvenor; and the cause in which Lord Mansfield delivered the opinion here charged to him, was tried before his Lordship in the Court of King's Bench, July 5, 1770. The damages were laid at one hundred thousand pounds: the verdict was for ten thousand pounds. The doctrine here justly objected against by JUNIUS, has since been relinquished in our courts of justice, and his own substituted in its stead. EDIT.

fixing the damages, they were to pay no regard to the quality or fortune of the parties;—that it was a trial between A. and B.—that they were to consider the offence in a moral light only, and give no greater damages to a peer of the realm, than to the meanest mechanic. I shall not attempt to refute a doctrine, which, if it was meant for law, carries falsehood and absurdity upon the face of it; but, if it was meant for a declaration of your political creed, is clear and consistent. Under an arbitrary government, all ranks and distinctions are confounded. The honour of a nobleman is no more considered than the reputation of a peasant, for with different liveries, they are equally slaves.

Even in matters of private property, we see the same bias and inclination to depart from the decisions of your predecessors*, which you certainly ought to receive as evidence of the common law. Instead of those certain, positive rules, by which the judgment of a court of law should invariably be determined, you have fondly introduced your own unsettled notions of equity and substantial justice. Decisions given upon such principles do not alarm the public so much as they ought, because the consequence and

* See an instance of the kind alluded to in Private Letter, No. 46. note †. EDIT.

tendency of each particular instance, is not observed or regarded. In the mean time the practice gains ground; the court of King's Bench becomes a court of equity, and the judge, instead of consulting strictly the law of the land, refers only to the wisdom of the court, and to the purity of his own conscience. The name of Mr. Justice Yates, will naturally revive in your mind some of those emotions of fear and detestation, with which you always beheld him*.

* Judge Yates was now just dead. His juridical opinions being often at variance with those of the Chief Justice of the King's Bench, he chose, though senior puisne judge of that court, to take the junior judgeship of the Common Pleas, then vacant, on the promotion of the other judges, in consequence of the resignation of Sir Edward Clive. This removal took place May 4, 1770, and Sir Joseph Yates died on the succeeding 7th of June.

The following anecdote, of the truth of which there is little doubt, is worthy of record and does him immortal honour. In a debate which took place in the House of Commons, Dec. 6, 1770, on Mr. Serjeant Glynn's motion, as noticed in Vol. I. p. 19, Mr. Alderman Townsend, after other arguments urged in support of it, said, " I am afraid then that there is too great a vicinity between Westminster-hall and St. James's. I suspect, and the people suspect, that their correspondence is too close and intimate. But why do I say it is suspected? it is a known, avowed fact. A late judge, equally remarkable for his knowledge and integrity, was tampered with by administration. He was solicited to favour the crown in certain trials, which were then depending between it and the subject. I hear some desiring me to name the judge, but there is no necessity for

That great lawyer, that honest man, saw your whole conduct in the light that I do. After years of ineffectual resistance to the pernicious principles introduced by your Lordship, and uniformly supported by your *humble friends* upon the bench, he determined to quit a court, whose proceed-

for it. The fact is known to several members of this house, and if I do not speak truth, let those who can, contradict me. I call upon them to rise, that the public may not be abused—but all are silent, and can as little invalidate what I have said as what I am going to say. This great, this honest judge, being thus solicited in vain, what was now to be done? what was the last resource of baffled injustice? That was learned from a short conversation which passed between him and some friends a little before his death. The last and most powerful engine was applied. A letter was sent him directly from a Great Personage; but as he suspected it to contain something dishonourable, he sent it back unopened. Is not this a subject that deserves enquiry? Ought we not to trace out the adviser of such a daring step, and upon proper conviction bring him to the block? The excellent person who was thus tempted to disgrace and perjure himself, and to betray and ruin his country, could not die in peace, till he had disclosed this scene of iniquity, and warned his fellow citizens of their danger." The above extract from Mr. Alderman Townsend's speech is taken from a report of the debate published in the year 1771, by the late celebrated and much respected Mr. W. Woodfall, who added to the speech itself the following N.B. "Sir Joseph Yates, as will appear in a succeeding speech, was the judge meant by the Alderman. When the letter from a Great Personage was mentioned, Lord North, and the rest of the Treasury-bench stared at one another, but did not utter a single sentence by way of contradiction." EDIT.

ings and decisions he could neither assent to with honour, nor oppose with success.

The injustice done to an Individual is sometimes of service to the public *. Facts are apt to alarm us more than the most dangerous principles. The sufferings and firmness of a Printer have roused the public attention. You knew and felt that your conduct would not bear a parliamentary inquiry, and you hoped to escape it by the meanest, the basest sacrifice of dignity and consistency, that ever was made by a great magistrate. Where was your firmness, where was that vindictive spirit, of which we have seen so many examples, when a man, so inconsiderable as Bingley, could force you to confess, in the face of this country, that, for two years together, you had illegally deprived an English subject of his liberty, and that he had triumphed over you at last? Yet I own, my Lord, that yours is not an uncommon character. Women, and men like women, are timid, vindictive, and irresolute. Their passions counteract each other, and make the same creature, at one moment hateful, at another contemptible. I fancy, my Lord, some time will

* The oppression of an obscure individual gave birth to the famous *Habeas Corpus* Act of 31 Car. II. which is frequently considered as another Magna Charta of the kingdom.

Blackstone, 3. 135.

elapse before you venture to commit another Englishman for refusing to answer interrogatories*.

The doctrine you have constantly delivered, in cases of libel, is another powerful evidence of a settled plan to contract the legal power of juries, and to draw questions, inseparable from

* "Bingley was committed for contempt in not submitting to be examined. He lay in prison two years, until the Crown thought the matter might occasion some serious complaint, and therefore he was let out, in the same contumelious state he had been put in, with all his sins about him, unanointed and unannealed.—There was much coquetry between the Court and the Attorney General, about who should undergo the ridicule of letting him escape."—*Vide another Letter to* ALMON, *p.* 189. AUTHOR.

To give the reader a better idea of the fact alluded to, we shall continue the quotation a few lines farther than the author, at the period in which he wrote, thought necessary.

"Mr. Attorney, tried to put it off upon the court, by telling them, upon his being brought up, he had nothing to pray against him. The sagacious and noble Lord who presided, smelling a rat, or knowing there was one, was not to be so taken in, and therefore asked, what it was Mr. Attorney had to ask of the court; to which Mr. Attorney said again, he had merely informed them, that the defendant Bingley was there, and that he should move nothing farther about him. After a little pause and a recovery from the inertness of this answer, the chief at last let him know, that if he moved nothing, nothing could be done, and every thing would remain as it was, the consequence of which was, that the defendant would still be in custody; the court never acted from itself, but upon motion from without. Mr. Attorney, finding it was in vain to be

wasting

fact, within the *arbitrium* of the court. Here, my Lord, you have fortune of your side. When you invade the province of the jury in matter of libel, you, in effect, attack the liberty of the press, and with a single stroke, wound two of your greatest enemies.—In some instances you have succeeded, because jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief justice. In other criminal prosecutions, the malice of the design is confessedly as much the subject of consideration to a jury, as the certainty of the fact. If a different doctrine prevails in the case

wasting more time about who should do what was agreed to be done, in a very manly manner, took the thing upon himself, and said, then I move that he may be discharged. And thus ended, in this pitiful manner, this paltry business; and yet perhaps it was, all things considered, the best way in which it could be put an end to, disgraceful as the mode must be, to the real as well as the apparent prosecutor of it, and let down as government could not but be by such a desertion of its object. The only gainer, was a shabby pamphlet-seller or stationer, who fattened and throve upon the reputation of patriotism, by being in prison under the pretence of it, and who wished for little more than to be translated from the King's bench prison to Newgate, that is, from the borough to the city, or from the rear of the army, to the head quarters, and was pretty indifferent about his personal liberty, provided his press moved freely, and found a large vent for his productions." For a farther account of this transaction see note, Vol. I. p. 100.

EDIT.

of libels, why should it not extend to *all* criminal cases?—Why not to capital offences? I see no reason (and I dare say you will agree with me that there is no good one) why the life of the subject should be better protected against you, than his liberty or property. Why should you enjoy the full power of pillory, fine, and imprisonment, and not be indulged with hanging or transportation? With your Lordship's fertile genius and merciful disposition, I can conceive such an exercise of the power you have, as could hardly be aggravated by that which you have not *.

* The declaratory act upon this subject brought forwards and carried through the legislature by the indefatigable exertions of the late Mr. Fox, and which, were there no other monument to immortalize his memory, would alone be sufficient to transmit it to the latest posterity, has at length completely settled this point, and given to the jury beyond all controversy on the part of the court, the full power of judging of the law as well as of the fact; of the intention as well as of the exterior act.

The full value of this interference of Mr. Fox's can only be known by comparing it with the result of a similar attempt made by Mr. Dowdeswell in 1771, the following account of which is extracted from the Public Advertiser for March 13.

" The following is the motion made by Mr. Dowdeswell in a great assembly and rejected: ' Whereas doubts and controversies have arisen at various times concerning the right of jurors to try the whole matter laid in indictments and informations for seditious and other libels; and whereas trials by juries would be of none or imperfect effect if the jurors were not held

But, my Lord, since you have laboured, (and not unsuccessfully) to destroy the substance

held to be competent to try the whole matter aforesaid, for settling and clearing such doubts and controversies, and for securing to the subject the effectual and complete benefit of trial by juries in such indictments and informations: Be it enacted, &c. That jurors duly impannelled and sworn to try the issue between the king and the defendant upon any indictment or information for a seditious libel, or a libel under any other denomination or description, shall be held and reputed competent to all intents and purposes, in law and in right, to try every part of the matter laid or charged in said indictment or information, comprehending the criminal intention of the defendant and the civil tendency of the libel charged, as well as the mere fact of the publication thereof, and the application by inuendo of blanks, initial letters, pictures and other devices; any opinion, question, ambiguity, or doubt, to the contrary notwithstanding.'

" Mr Dowdeswell observed that as *doubts* had arose in the people's minds respecting the power of juries in the cases of libels; to remove those *doubts*, he should propose an *Enacting Bill*, to give to juries a power to try the whole matter in issue; that is, to determine whether the paper or book charged with being a libel be so or not: but that if gentlemen liked a *Declaratory Bill* better, he had left the matter open. He paid some compliments to Lord Mansfield, and read his *Enacting Bill.* Mr. Burke spoke in support of the Enacting Bill, and in praise of Lord Mansfield. He said, if the noble judge had erred, he had erred with great law authorities—in great and respectable company.

" Mr. James Grenville, jun. spoke for a declaratory bill; as did Mr. Calcraft, Mr. Aubrey, and Colonel Barre, Sir George Savile, Mr. T. Townshend, Mr. R. H. Coxe, and Mr. Dunning spoke in favour of the motion.

These

of the trial, why should you suffer the form of the *verdict* to remain? Why force twelve ho-

" These last gentlemen severally urged the necessity of settling this matter beyond doubt or controversy; because it did appear, from a late paper given by Lord Mansfield to the House of Lords, that it was the opinion of all the judges of the King's Bench, that the jury should determine only the FACT, and the LAW should be left to the judges; but this was not only the opinion of the judges, but that, in a former debate, all the ministerial lawyers and leaders had supported the same; that the doctrine was dangerous in the highest degree, as encroaching on the palladium of English liberty, the trial by jury, as leaving the essence of the cause to the determination of *interested* men, *the judges*, that this doctrine, now adopted by the judges, was not of older date than the reign of Queen Anne. In Queen Elizabeth's reign there was a remarkable case, which shewed the contrary to be the opinion then (an indictment of a grand jury at Lincoln, which found a *true Bill* as to the *fact*, but no true Bill as to the *malice*, &c. This the judges, at that time, determined to be no true Bill; by which they determined, that the jury were judges of the law, as well as the fact) that in the famous case of the bishops, in the reign of James the second, the judges, though made for the purpose, unanimously concurred in directing the jury to judge of the *whole* of the information, as well the *law* as the *fact*; that whenever the jury had thought proper to dispute the affair with the judges, the jury had always got the better; and that a law establishing this doctrine would put an end to this dispute.

" The ministry did not say one single word in the dispute, but the debate was taken up by the gentlemen of the minority. Capt. Phipps spoke very well, and with great spirit. Sir William Meredith spoke extremely well; Mr. James Grenville, jun. spoke inimitably well for his first essay; Mr. Popham and others.

nest men, in palpable violation of their oaths, to pronounce their fellow-subject a *guilty* man, when, almost at the same moment, you forbid their enquiring into the only circumstance, which in the eye of law and reason, constitutes guilt — the malignity or innocence of his intentions?

others. There was not one of them who did not establish the doctrine that juries are judges of *law* as well as *fact*, but disapproved of the present motion for various reasons.

"That the doctrine, being established on the foundation of the common law, did not require the assistance of the statute law to defend it. That if a bill of this nature was brought into the house, and afterwards rejected, it might have very bad effects on the minds of the people, as it might be supposed that the doctrine was *doubtful*. That an *enacting* law would make it appear, that this was a *novel* doctrine, which few in the house could concur in; and that if made *declaratory* only, the judges who had acted on principles contrary to such declaration, would be liable to condign punishment, which the friends of the motion did not seem to wish.

"For these reasons the numbers were, 218 for adjourning, 72 against it."

Mr. Fox himself was not fortunate in his first attempt: but he determined to persevere till he had succeeded. He lost his bill in the upper House in 1791, but accomplished his purpose in the spring of the ensuing year, notwithstanding the joint opposition of the law lords, Thurlow, Kenyon, and Bathurst. The venerable Camden supported the bill with an animation and energy well worthy of his own honest heart, and of the importance of the principle it endeavoured to establish, and may be said to have finished the glorious career of his political life, with the vote he gave on this illustrious occasion; seldom possessing sufficient health to attend parliament afterwards, and expiring on April 18, 1794. EDIT.

—But I understand your Lordship.—If you could succeed in making the trial by jury useless and ridiculous, you might then with greater safety introduce a bill into parliament for enlarging the jurisdiction of the court, and extending your favourite trial by interrogatories to every question, in which the life or liberty of an Englishman is concerned*.

Your charge to the jury, in the prosecution against Almon and Woodfall, contradicts the highest legal authorities, as well as the plainest dictates of reason†. In Miller's cause, and still more expressly in that of Baldwin‡, you have proceeded a step farther, and grossly contradicted yourself.—You may know perhaps, though I do not mean to insult you by an appeal to your experience, that the language of truth is

* The philosophical poet doth notably describe the damnable and damned proceedings of the Judge of Hell

"Gnossius hæc Rhadamanthus habet durissima regna,

"Castigatque, auditque dolos, *subigitque fateri.*"

First he punisheth, and *then* he heareth; and lastly compelleth to confess, and makes and mars laws at his pleasure; like as the Centurion, in the holy history did to St. Paul, for the text saith, "Centurio apprehendi Paulum jussit, & se catenis ligari, et *tunc* INTERROGABAT, quis fuisset, & quid fecisset;" but good Judges and Justices abhor these courses. *Coke 2. Inst. 55.*

† See this subject farther enlarged upon in the preface, p. 14. EDIT.

‡ All the persons here named were prosecuted for publishing the Letter to the King, No. XXXV. EDIT.

uniform and consistent. To depart from it safely, requires memory and discretion. In the two last trials, your charge to the jury began, as usual, with assuring them that they had nothing to do with the law,—that they were to find the bare fact, and not concern themselves about the legal inferences drawn from it, or the degree of the defendant's guilt.—Thus far you were consistent with your former practice.—But how will you account for the conclusion? You told the jury that, "if, after all, they would take upon themselves to determine the law, *they might do it*, but they must be very sure that they determined according to law, for it touched their consciences, and they acted at their peril."—If I understand your first proposition, you meant to affirm, that the jury were not competent judges of the law in the criminal case of a libel —that it did not fall within *their* jurisdiction; and that, with respect to *them*, the malice or innocence of the defendant's intentions would be a question *coram non judice*.—But the second proposition clears away your own difficulties, and restores the jury to all their judicial capacities. You make the competence of the court to depend upon the legality of the decision*. In

* Directly the reverse of the doctrine he constantly maintained in the House of Lords and elsewhere, upon the decision of the Middlesex election. He invariably asserted that the de-

the first instance you deny the power absolutely. In the second, you admit the power, provided it be legally exercised. Now, my Lord, without pretending to reconcile the distinctions of Westminster-hall with the simple information of common-sense, or the integrity of fair argument, I shall be understood by your Lordship, when I assert that, if a jury or any other court of judicature (for jurors are judges) have no right to entertain a cause, or question of law, it signifies nothing whether their decision be or be not according to law. Their decision is in itself a mere nullity: the parties are not bound to submit to it; and, if the jury run any risque of punishment, it is not for pronouncing a corrupt or illegal verdict, but for the illegality of meddling with a point, on which they have no legal authority to decide*.

I cannot quit this subject without reminding your Lordship of the name of Mr. Benson. Without offering any legal objection, you or-

cision must be *legal*, because the court was *competent*; and never could be prevailed on to enter farther into the question.

* These iniquitous prosecutions cost the best of princes six thousand pounds, and ended in the total defeat and disgrace of the prosecutors. In the course of one of them Judge Aston had the unparalleled impudence to tell Mr. Morris (a gentleman of unquestionable honour and integrity, and who was then giving his evidence on oath,) that *he should pay very little regard to any affidavit he should make.*

dered a special juryman to be set aside in a cause, where the King was prosecutor. The novelty of the fact required explanation. Will you condescend to tell the world by what law or custom you were authorized to make a peremptory challenge of a juryman? The parties indeed have this power, and perhaps your Lordship, having accustomed yourself to unite the characters of judge and party, may claim it in virtue of the new capacity you have assumed, and profit by your own wrong. The time, within which you might have been punished for this daring attempt to pack a jury, is, I fear, elapsed; but no length of time shall erase the record of it*.

The mischiefs you have done this country, are not confined to your interpretation of the laws. You are a minister, my Lord, and, as such, have long been consulted. Let us candidly examine what use you have made of your ministerial influence. I will not descend to little matters, but come at once to those important points, on which your resolution was waited for, on which the expectation of your opinion kept a great part of the nation in suspence.—A constitutional question arises upon a declaration of

* See this circumstance further explained in Letters LXI. and LXIII. EDIT.

the law of parliament, by which the freedom of election, and the birthright of the subject were supposed to have been invaded.—The King's servants are accused of violating the constitution.—The nation is in a ferment.—The ablest men of all parties engage in the question, and exert their utmost abilities in the discussion of it.—What part has the honest Lord Mansfield acted? As an eminent judge of the law, his opinion would have been respected.—As a peer, he had a right to demand an audience of his Sovereign, and inform him that his ministers were pursuing unconstitutional measures.—Upon other occasions, my Lord, you have no difficulty in finding your way into the closet. The pretended neutrality of belonging to no party, will not save your reputation. In questions merely political, an honest man may stand neuter. But the laws and constitution are the general property of the subject;—not to defend is to relinquish;—and who is there so senseless as to renounce his share in a common benefit, unless he hopes to profit by a new division of the spoil. As a lord of parliament, you were repeatedly called upon to condemn or defend the new law declared by the House of Commons. You affected to have scruples, and every expedient was attempted to remove them.—The question was proposed and urged to you in a thousand differ-

ent shapes.—Your prudence still supplied you with evasion;—your resolution was invincible. For my own part, I am not anxious to penetrate this solemn secret. I care not to whose wisdom it is entrusted, nor how soon you carry it with you to your grave*. You have betrayed your opinion by the very care you have taken to conceal it. It is not from Lord Mansfield that we expect any reserve in declaring his real sentiments in favour of government, or in opposition to the people; nor is it difficult to account for the motions of a timid, dishonest heart, which neither has virtue enough to acknowledge truth, nor courage to contradict it. —Yet you continue to support an administration which you know is universally odious, and which, on some occasions, you yourself speak of with contempt. You would fain be thought to take no share in government, while, in reality, you are the main spring of the machine.—Here too we trace the *little*, prudential policy of a Scotchman.—Instead of acting that open, generous part, which becomes your rank and station, you meanly skulk into the closet, and give your Sovereign such advice, as you have not spirit to

* He said in the House of Lords, that he believed he should carry his opinion with him to the grave. It was afterwards reported that he had intrusted it, in special confidence, to the ingenious Duke of Cumberland.

avow or defend. You secretly engross the power, while you decline the title of minister; and though you dare not be Chancellor, you know how to secure the emoluments of the office.—Are the seals to be for ever in commission, that you may enjoy five thousand pounds a year?—I beg pardon, my Lord *;—your fears have interposed at last, and forced you to resign.—The odium of continuing speaker of the House of Lords, upon such terms, was too formidable to be resisted. What a multitude of bad passions are forced to submit to a constitutional infirmity! But though you have relinquished the salary, you still assume the rights of a minister.—Your conduct, it seems, must be defended in parliament.—For what other purpose is your wretched friend, that miserable serjeant, posted to the House of Commons? Is it in the abilities of a Mr. Leigh to defend the great Lord Mansfield?—Or is he only the punch of the puppet-shew,

* Upon the death of Charles Yorke, who, as has been already observed, shot himself almost immediately on his appointment to the Chancellorship, the great seal was held in commission by Sir Sydney Stafford Smythe, the Hon. Henry Bathurst, and Sir Richard Aston; while Lord Mansfield was appointed speaker of the Upper House, with a salary as above. Lord Apsley succeeded to Mr. Yorke, and of course took the office of speaker at the same time from the hands of Lord Mansfield. EDIT.

to speak as he is prompted, by the CHIEF JUGGLER behind the curtain*?

In public affairs, my Lord, cunning, let it be ever so well wrought, will not conduct a man honourably through life†. Like bad money, it may be current for a time, but it will soon be cried down. It cannot consist with a liberal spirit, though it be sometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am sincere. I feel for human nature, when I see a man, so gifted as you are, descend to such vile practice.—Yet do not suffer your vanity to console you too soon. Believe me, my good Lord, you are not admired in the same degree, in which you are detested. It is only the partiality of your friends, that balances the defects of your heart with the superiority of your understanding. No learned man, even among your own tribe, thinks you qualified to preside in a court of common law. Yet it is confessed that, under *Justinian*, you might have made an incomparable *Prætor*.—It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline

* This paragraph gagged poor *Leigh*. I really am concerned for the man, and wish it were possible to open his mouth.—He is a very pretty orator.

† See Private Letter, No. 44. EDIT.

of a great empire, and are supposed to have contributed to its fall.

Here, my Lord, it may be proper for us to pause together.—It is not for my own sake that I wish you to consider the delicacy of your situation. Beware how you indulge the first emotions of your resentment. This paper is delivered to the world, and cannot be recalled! The persecution of an innocent printer cannot alter facts, nor refute arguments.—Do not furnish me with farther materials against yourself. —An honest man, like the true religion, appeals to the understanding, or modestly confides in the internal evidence of his conscience. The impostor employs force instead of argument, imposes silence where he cannot convince, and propagates his character by the sword.

JUNIUS.

LETTER XLII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, *January* 30, 1771.

If we recollect in what manner the *King's friends* have been constantly employed, we shall have no reason to be surprised at any condition of disgrace, to which the once respected name of Englishmen may be degraded.

His Majesty has no cares, but such as concern the laws and constitution of this country. In his Royal breast there is no room left for resentment, no place for hostile sentiments against the natural enemies of his crown. The system of government is uniform.—Violence and oppression at home can only be supported by treachery and submission abroad. When the civil rights of the people are daringly invaded on one side, what have we to expect, but that their political rights should be deserted and betrayed, in the same proportion, on the other? The plan of domestic policy, which has been invariably pursued, from the moment of his present Majesty's accession, engrosses all the attention of his servants. They know that the security of their places depends upon their maintaining, at any hazard, the secret system of the closet. A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy, to which he and his associates owe their employments. Rather than suffer the execution of that scheme to be delayed or interrupted, the King has been advised to make a public surrender, a solemn sacrifice, in the face of all Europe, not only of the interests of his subjects, but of his own personal reputation, and of the dignity of that crown, which his predecessors have worn

with honour. These are strong terms, Sir, but they are supported by fact and argument.

The King of Great-Britain had been for some years in possession of an island *, to which, as the ministry themselves have repeatedly asserted, the Spaniards had no claim of right. The importance of the place is not in question. If it were, a better judgment might be formed of it from the opinions of Lord Anson and Lord Egmont, and from the anxiety of the Spaniards, than from any fallacious insinuations thrown out by men, whose interest it is to undervalue that property, which they are determined to relinquish. The pretensions of Spain were a subject of negotiation between the two courts. They had been discussed, but not admitted. The King of Spain, in these circumstances, bids adieu to amicable negotiation, and appeals directly to the sword. The expedition against Port Egmont does not appear to have been a sudden ill-concerted enterprise. It seems to have been conducted not only with the usual military precautions, but in all the forms and ceremonies of war. A frigate was first employed to examine the strength of the place. A message was then sent, demanding immediate possession, in the Ca-

* Falkland or the Great Malouine Island. See a brief statement of the whole dispute in a note to the Miscellaneous Letters, No. LXXXVIII. EDIT.

tholic King's name, and ordering our people to depart. At last a military force appears, and compels the garrison to surrender. A formal capitulation ensues, and his Majesty's ship, which might at least have been permitted to bring home his troops immediately, is detained in port twenty days, and her rudder forcibly taken away. This train of facts carries no appearance of the rashness or violence of a Spanish governor. On the contrary, the whole plan seems to have been formed and executed, in consequence of deliberate orders, and a regular instruction from the Spanish court. Mr. Bucarelli is not a pirate, nor has he been treated as such by those who employed him. I feel for the honour of a gentleman, when I affirm that our King owes him a signal reparation.—Where will the humiliation of this country end! A King of Great Britain, not contented with placing himself upon a level with a Spanish governor, descends so low as to do a notorious injustice to that governor. As a salvo for his own reputation, he has been advised to traduce the character of a brave officer, and to treat him as a common robber, when he knew with certainty that Mr. Bucarelli had acted in obedience to his orders, and had done no more than his duty. Thus it happens in private life, with a man who has no spirit nor sense of honour.—One of his equals

orders a servant to strike him.—Instead of returning the blow to the master, his courage is contented with throwing an aspersion, equally false and public, upon the character of the servant.

This short recapitulation was necessary to introduce the consideration of his Majesty's speech, of 13th November, 1770, and the subsequent measures of government. The excessive caution, with which the speech was drawn up, had impressed upon me an early conviction, that no serious resentment was thought of, and that the conclusion of the business, whenever it happened, must, in some degree, be dishonourable to England. There appears through the whole speech, a guard and reserve in the choice of expression, which shews how careful the ministry were not to embarrass their future projects by any firm or spirited declaration from the throne. When all hopes of peace are lost, his Majesty tells his parliament, that he is preparing,—not for barbarous war, but (with all his mother's softness,*) *for a different Situation.*—An open act of hostility, authorized by the Catholic King, is called *an act of a governor.* This act, to avoid the mention of a regular siege and

* Alluding to the vulgar report of the day, that the Princess Dowager of Wales had interfered in the Spanish negotiation.

EDIT.

surrender, passes under the piratical description of *seising by force;* and the thing taken is described, not as a part of the King's territory or proper dominion, but merely as a *possession*, a word expressly chosen in contradistinction to, and exclusion of the idea of *right*, and to prepare us for a future surrender both of the right and of the possession. Yet this speech, Sir, cautious and equivocal as it is, cannot, by any sophistry, be accommodated to the measures, which have since been adopted. It seemed to promise, that whatever might be given up by secret stipulation, some care would be taken to save appearances to the public. The event shews us, that to depart, in the minutest article, from the nicety and strictness of punctilio, is as dangerous to national honour, as to female virtue. The woman, who admits of one familiarity, seldom knows where to stop, or what to refuse; and when the counsels of a great country give way in a single instance,—when once they are inclined to submission, every step accelerates the rapidity of the descent. The ministry themselves, when they framed the speech, did not foresee, that they should ever accede to such an accommodation, as they have since advised their master to accept of.

The King says, *The honour of my crown and the rights of my people are deeply affected.* The

Spaniard, in his reply, says, *I give you back possession, but I adhere to my claim of prior right, reserving the assertion of it for a more favourable opportunity.*

The speech says, *I made an immediate demand of satisfaction, and, if that fails, I am prepared to do myself justice.* This immediate demand must have been sent to Madrid on the 12th of September, or in a few days after. It was certainly refused, or evaded, and the King *has not* done himself justice.—When the first magistrate speaks to the nation, some care should be taken of his apparent veracity.

The speech proceeds to say, *I shall not discontinue my preparations until I have received proper reparation for the injury.* If this assurance may be relied on, what an enormous expense is entailed, *sine die*, upon this unhappy country! Restitution of a possession, and reparation of an injury are as different in substance as they are in language. The very act of restitution may contain, as in this instance it palpably does, a shameful aggravation of the injury. A man of spirit does not measure the degree of an injury by the mere positive damage he has sustained. He considers the principle on which it is founded; he resents the superiority asserted over him; and rejects

with indignation the claim of right, which his adversary endeavours to establish, and would force him to acknowledge.

The motives, on which the Catholic King makes restitution, are, if possible, more insolent and disgraceful to our Sovereign, than even the declaratory condition annexed to it. After taking four months to consider, whether the expedition was undertaken by his own orders or not, he condescends to disavow the enterprize, and to restore the island,—not from any regard to justice;—not from any regard he bears to his Britannic Majesty, but merely *from the persuasion, in which he is, of the pacific sentiments of the King of Great Britain.*—At this rate, if our King had discovered the spirit of a man,—if he had made a peremptory demand of satisfaction, the King of Spain would have given him a peremptory refusal. But why this unseasonable, this ridiculous mention of the King of Great Britain's pacific intentions? Have they ever been in question? Was *he* the aggressor? Does he attack foreign powers without provocation? Does he even resist, when he is insulted? No, Sir, if any ideas of strife or hostility have entered his royal mind, they have a very different direction. The enemies of England have nothing to fear from them.

After all, Sir, to what kind of disavowal has

the King of Spain at last consented? Supposing it made in proper time, it should have been accompanied with instant restitution; and if Mr. Bucarelli * acted without orders, he deserved death. Now, Sir, instead of immediate restitution, we have a four months negotiation, and the officer, whose act is disavowed, returns to court, and is loaded with honours.

If the actual situation of Europe be considered, the treachery of the King's servants, particularly of Lord North, who takes the whole upon himself, will appear in the strongest colours of aggravation. Our allies were masters of the Mediterranean. The King of France's present aversion from war, and the distraction of his affairs are notorious. He is now in a state of war with his people. In vain did the Catholic King solicit him to take part in the quarrel against us. His finances were in the last disorder, and it was probable that his troops might find sufficient employment at home. In these circumstances, we might have dictated the law to Spain. There are no terms, to which she might not have been compelled to submit. At the worst, a war with Spain alone, carries the fairest promise of advantage. One good effect at least would have been immediately produced

* The Spanish commander of the expedition. EDIT.

by it. The desertion of France would have irritated her ally, and in all probability have dissolved the family compact. The scene is now fatally changed. The advantage is thrown away. The most favourable opportunity is lost.—Hereafter we shall know the value of it. When the French King is reconciled to his subjects;—when Spain has completed her preparations;—when the collected strength of the house of Bourbon attacks us at once, the King himself will be able to determine upon the wisdom or imprudence of his present conduct. As far as the probability of argument extends, we may safely pronounce, that a conjuncture, which threatens the very being of this country, has been wilfully prepared and forwarded by our own ministry. How far the people may be animated to resistance under the present administration, I know not; but this I know with certainty, that, under the present administration, or if any thing like it should continue, it is of very little moment whether we are a conquered nation or not *.

* The King's acceptance of the Spanish Ambassador's declaration is drawn up in barbarous French, and signed by the earl of Rochford. This diplomatic lord has spent his life in the study and practice of *Etiquettes*, and is supposed to be a profound master of the ceremonies. I will not insult him by any reference to grammar or common sense. If he were even

Having travelled thus far in the high road of matter of fact, I may now be permitted to wander a little into the field of imagination. Let us banish from our minds the persuasion that these events have really happened in the reign of the best of princes. Let us consider them as nothing more than the materials of a fable, in which we may conceive the Sovereign of some other country to be concerned. I mean to violate all the laws of probability, when I suppose that this imaginary King, after having voluntarily disgraced himself in the eyes of his subjects, might return to a sense of his dishonour!—that he might perceive the snare laid for him by his ministers, and feel a spark of shame kindling in his breast.—The part he must then be obliged to act, would overwhelm him with confusion. To his parliament he must say, *I called you together to receive your advice, and*

acquainted with the common forms of his office, I should think him as well qualified for it as any man in his Majesty's service.—The reader is requested to observe lord Rochford's method of authenticating a public instrument. "En foi de quoi, *moi* soussigné, un des principaux secretaires d'etat de S. M. B. *ai* signé la presente de ma signature ordinaire, et icelle fait apposer le cachet de *nos* armes." In three lines there are no less than seven false concords. But the man does not even know the stile of his office;—if he had known it, he would have said, "*nous*, soussigné secretaire d'etat de S. M. B. *avons signé*, &c."

have never asked your opinion.—To the merchant, —*I have distressed your commerce; I have dragged your seamen out of your ships, I have loaded you with a grievous weight of insurances.*—To the landholder,—*I told you war was too probable, when I was determined to submit to any terms of accommodation; I extorted new taxes from you before it was possible they could be wanted, and am now unable to account for the application of them.*—To the public creditor,—*I have delivered up your fortunes a prey to foreigners and to the vilest of your fellow subjects.* Perhaps this repenting Prince might conclude with one general acknowledgment to them all,—*I have involved every rank of my subjects in anxiety and distress, and have nothing to offer you in return, but the certainty of national dishonour, an armed truce, and peace without security.*

If these accounts were settled, there would still remain an apology to be made to his navy and to his army. To the first he would say, *you were once the terror of the world. But go back to your harbours. A man dishonoured, as I am, has no use for your service.* It is not probable that he would appear again before his soldiers, even in the pacific ceremony of a review *. But wherever he appeared, the humiliating confes-

* A mistake. He appears before them every day, with the mark of a blow upon his face.—*proh pudor!*

sion would be extorted from him. *I have received a blow,—and had not spirit to resent it. I demanded satisfaction, and have accepted a declaration, in which the right to strike me again is asserted and confirmed.* His countenance at least would speak this language, and even his guards would blush for him.

But to return to our argument.—The ministry, it seems, are labouring to draw a line of distinction between the honour of the crown and the rights of the people. This new idea has yet been only started in discourse, for in effect both objects have been equally sacrificed. I neither understand the distinction, nor what use the ministry propose to make of it. The King's honour is that of his people. *Their* real honour and real interest are the same.—I am not contending for a vain punctilio. A clear, unblemished character comprehends not only the integrity that will not offer, but the spirit that will not submit to an injury; and whether it belongs to an individual or to a community, it is the foundation of peace, of independence, and of safety. Private credit is wealth;—public honour is security.—The feather that adorns the royal bird, supports its flight. Strip him of his plumage and you fix him to the earth *.

JUNIUS.

* It was against this letter that Dr. Johnson was engaged by the ministry to muster the whole of his political and argu-

mentative

LETTER XLIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, *6th Feb.* 1771.

I HOPE your correspondent JUNIUS is better employed than in answering or reading

mentative powers. His answer, published in 1771, is entitled, "Thoughts on the late Transactions respecting Falkland's Islands:" from which the following is worth transcribing:

"To considerations such as these, it is reasonable to impute that anxiety of the Spaniards, from which the importance of this island is inferred by JUNIUS, one of the few writers of his despicable faction whose name does not disgrace the page of an opponent. The value of the thing disputed may be very different to him that gains and him that loses it. The Spaniards, by yielding Falkland's Island, have admitted a precedent of what they think encroachment, have suffered a breach to be made in the outworks of their empire, and, notwithstanding the reserve of prior right, have suffered a dangerous exception to the prescriptive tenure of their American territories."

"An unsuccessful war would undoubtedly have had the effect which the enemies of the ministry so earnestly desire; for who could have sustained the disgrace of folly ending in misfortune? but had wanton invasion undeservedly prospered, had Falkland's Island been yielded unconditionally with every right prior and posterior, though the rabble might have shouted, and the windows have blazed, yet those who know the value of life, and the uncertainty of public credit, would have murmured, perhaps unheard, at the increase of our debt, and the loss of our people.

"This thirst of blood, however the visible promoters of sedition may think it convenient to shrink from the accusation,

the criticisms of a newspaper. This is a task, from which, if he were inclined to submit to it, his friends ought to relieve him. Upon this prin-

is loudly avowed by JUNIUS, the writer by whom his party owes much of its pride, and some of its popularity: Of JUNIUS it cannot be said, as of Ulysses, that he scatters ambiguous expressions among the vulgar; for he cries *havock* without reserve, and endeavours to let slip the dogs of foreign and of civil war, ignorant whither they are going, and careless what may be their prey. JUNIUS has sometimes made his satire felt, but let not injudicious admiration mistake the venom of the shaft for the vigour of the bow. He has sometimes sported with lucky malice; but to him that knows his company, it is not hard to be sarcastic in a mask. While he walks like Jack the Giant Killer in a coat of darkness, he may do much mischief with little strength. Novelty captivates the superficial and thoughtless; vehemence delights the discontented and turbulent. He that contradicts acknowledged truth will always have an audience; he that vilifies established authority will always find abettors.

"JUNIUS burst into notice with a blaze of impudence which has rarely glared upon the world before, and drew the rabble after him as a monster makes a show. When he had once provided for his safety by impenetrable secrecy, he had nothing to combat but truth and justice, enemies whom he knows to be feeble in the dark. Being then at liberty to indulge himself in all the immunities of invisibility; out of the reach of danger, he has been bold; out of the reach of shame, he has been confident. As a rhetorician, he has the art of persuading when he seconded desire; as a reasoner, he has convinced those who had no doubt before; as a moralist, he has taught that virtue may disgrace; and as a patriot, he has gratified the mean by insults on the high. Finding sedition ascendant, he has been able to advance it; finding the nation combustible, he

ciple, I shall undertake to answer Anti-Junius, more I believe, to his conviction than to his satisfaction. Not daring to attack the main

he has been able to inflame it. Let us abstract from his wit the vivacity of insolence, and withdraw from his efficacy the sympathetic favour of plebeian malignity; I do not say that we shall leave him nothing; the cause that I defend scorns the help of falsehood; but if we leave him only his merit, what will be his praise?

"It is not by his liveliness of imagery, his pungency of periods, or his fertility of allusion, that he detains the cits of London and the boors of Middlesex. Of stile and sentiment they take no cognizance. They admire him for virtues like their own, for contempt of order, and violence of outrage, for rage of defamation and audacity of falsehood. The supporters of the Bill of Rights feel no niceties of composition, nor dexterities of sophistry; their faculties are better proportioned to the bawl of Bellas or barbarity of Beckford; but they are told that JUNIUS is on their side, and they are therefore sure that JUNIUS is infallible. Those who know not whither he would lead them, resolve to follow him; and those who cannot find his meaning, hope he means rebellion.

"JUNIUS is an unusual phænomenon on which some have gazed with wonder, and some with terror, but wonder and terror are transitory passions. He will soon be more closely viewed, or more attentively examined, and what folly has taken for a comet that, from its flaming hair, shook pestilence and war, enquiry will find to be only a meteor formed by the vapours of putrefying democracy, and kindled into flame by the effervescence of interest struggling with conviction, which, after having plunged its followers in a bog, will leave us enquiring why we regarded it.

"Yet though I cannot think the stile of JUNIUS secure from criticism, though his expressions are often trite, and his periods

body of JUNIUS's last letter, he triumphs in having, as he thinks, surprised an out-post, and cut off a detached argument, a mere straggling

periods feeble, I should never have stationed him where he has placed himself, had I not rated him by his morals rather than his faculties. 'What,' says Pope, 'must be the priest, where the monkey is a God?' What must be the drudge of a party of which the heads are Wilkes and Crosby, Sawbridge and Townshend?

"JUNIUS knows his own meaning, and can therefore tell it, He is an enemy to the ministry, he sees them hourly growing stronger. He knows that a war at once unjust and unsuccessful would have certainly displaced them, and is therefore, in his zeal for his country, angry that war was not unjustly made, and unsuccessfully conducted; but there are others whose thoughts are less clearly expressed, and whose schemes perhaps are less consequentially digested, who declare that they do not wish for a rupture, yet condemn the ministry for not doing that from which a rupture would naturally have followed."

Of this pamphlet the ministry were not a little proud; and especially as they made no doubt that JUNIUS would hereby be drawn into a paper contest with Johnson, and that hence they would possess a greater facility of detecting him. JUNIUS seems to have been aware of the trap laid for him, and made no direct reply whatever. How far the Doctor was correct in asking the question, what must be the drudge of a party of which the heads are Wilkes and Crosby, Sawbridge and Townshend, may be seen by referring to the protest entered on the Lords' journals against the address voted in consequence of the communications made to both houses of parliament on the conclusion of the Spanish convention, which adopts most of the sentiments here so ably expressed, and which will be found in a note to Miscellaneous Letters, No. LXXXVIII.

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proposition. But even in this petty warfare, he shall find himself defeated.

In effect the doctor did not fairly meet his argument; and a reply was not altogether necessary.

With one part of this celebrated pamphlet the minister himself was displeased, and actually suppressed the sale till his own correction was substituted for the obnoxious passage. The reader shall receive the account from the following letter inserted in the Public Advertiser, which is sufficiently explicit, and was incapable of contradiction.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, *April 2, 1771.*

SOME little time ago there was published a pamphlet, intitled, "Thoughts on the late Transactions respecting Falkland's Islands," said, upon good grounds, to have been written by the learned Dr. Johnson, under the special direction of the minister-apparent. Scarce were a few copies got abroad, before the sale of the edition, which had been advertised, was stopped, by order of the minister, for the sake of an alteration, which was made (as there is reason to believe) without the consent of the doctor having been asked or had; after which it was set agoing again, and the public is now happily once more in possession of it. But as some may be curious to know in what it was that the alteration particularly consisted, and may not have by them both the first published and the altered pamphlet to compare, the following account will solve the question:

In the *first* publication, pages 67 and 68, you have the following paragraph:

"The Manilla ransom has, I think, been most mentioned by the inferior bellowers of sedition. Those who lead the faction know that it cannot be remembered much to their advantage. The followers of Lord Rockingham remember that his ministry begun and ended without obtaining it: the

adherents

JUNIUS does not speak of the Spanish *nation* as the *natural enemies* of England. He applies

adherents to Grenville would be told that he could never be brought to understand our claim. The law of nations made little of his knowledge. Let him not, however, be depreciated in his grave; he had powers not universally possessed: *if he could have* GOT *the* MONEY *he could have* COUNTED *it.*"

Upon calling in the pamphlet, this sarcastic pretty epigram, at the close of the paragraph, was struck out, the two pages being cancelled, and a *carton* substituted, with the following alteration after the word " possessed:"

" *And if he sometimes* ERRED, *he was likewise sometimes* RIGHT."

And thus it *now* stands in the *second* publication. And here the exquisite stupidity of the words which were substituted, to the words expunged, would not be worth remarking, as if it was very possible to name that personage in the world of whom it was not predicable, that " if he *sometimes erred,* he was also *sometimes right;*" but that there occurs upon it a not uncurious question, to which of the two motives of the minister this notable alteration was most probably owing; a question which it is left to the candor of the reader to decide with himself.

Whether was it owing to the premier's scrupulous delicacy of not wounding the memory of the dead (a man who with a knowledge of the laws, and of the finances, infinitely superior to his, had however, if possible, as little of the genius for managing affairs as himself), that he caused the close of the paragraph in the first publication to be cancelled, to make way for foisting into the second an alteration that mended nothing, being manifestly an exquisite chip of nonsense?

Or, was it that those unlucky words in the first, relative to the *counting* of *money,* struck the conscious premier, in the light of the obvious danger of the public's being reminded by them of that *rich* story of a *high* character's having, upon a time, been observed busily employed in the *noble* act of COUNTING *money* at CHURCH? EDIT.

that description with the strictest truth and justice, to the Spanish *Court.* From the moment, when a Prince of the House of Bourbon ascended that throne, their whole system of government was inverted and became hostile to this country. Unity of possession introduced a unity of politics, and Lewis the fourteenth had reason when he said to his grandson, "*The Pyrenees are removed.*" The History of the present century is one continued confirmation of the prophecy.

The Assertion "*That violence and oppression at home can only be supported by treachery and submission abroad,*" is applied to a free people, whose rights are invaded, not to the government of a country, where despotic, or absolute power is confessedly vested in the prince; and with this application, the assertion is true. An absolute monarch having no points to carry at home, will naturally maintain the honour of his crown in all his transactions with foreign powers. But if we could suppose the Sovereign of a free nation, possessed with a design to make himself absolute, he would be inconsistent with himself if he suffered his projects to be interrupted or embarrassed by a foreign war; unless that war tended, as in some cases it might, to promote his principal design. Of the three exceptions to this general rule of conduct, (quoted by Anti-Junius) that of Oliver Cromwell is the only one in point.

Harry the eighth, by the submission of his parliament, was as absolute a prince as Lewis the fourteenth. Queen Elizabeth's government was not oppressive to the people; and as to her foreign wars, it ought to be considered that they were *unavoidable*. The national honour was not in question. She was compelled to fight in defence of her own person and of her title to the crown. In the common course of selfish policy, Oliver Cromwell should have cultivated the friendship of foreign powers, or at least have avoided disputes with them, the better to establish his tyranny at home. Had he been only a bad man, he would have sacrificed the honour of the nation to the success of his domestic policy. But, with all his crimes, he had the spirit of an Englishman. The conduct of such a man must always be an exception to vulgar rules. He had abilities sufficient to reconcile contradictions, and to make a great nation at the same moment unhappy and formidable. If it were not for the respect I bear the minister, I could name a man, who, without one grain of understanding, can do half as much as Oliver Cromwell.

Whether or no there be a *secret system* in the closet, and what may be the object of it, are questions, which can only be determined by appearances, and on which every man must decide for himself.

The whole plan of JUNIUS's letter proves that

he himself makes no distinction between the real honour of the crown and the real interest of the people. In the climax, to which your correspondent objects, JUNIUS adopts the language of the Court, and by that conformity, gives strength to his argument. He says that, "*the King has not only sacrificed the interests of his people, but,* (what was likely to touch him more nearly,) *his personal reputation and the dignity of his crown.*"

The queries, put by *Anti-Junius*, can only be answered by the ministry *. Abandoned as they are, I fancy they will not confess that they have, for so many years, maintained possession of another man's property. After admitting the assertion of the ministry—viz. *that the Spaniards had no rightful claim*, and after justifying them for saying so,—it is *his* business not *mine*, to give us some good reason for their *suffering the pretensions of Spain to be a subject of negotiation.* He admits the facts;—let him reconcile them if he can.

The last paragraph brings us back to the original question, whether the Spanish declaration

* A writer, subscribing himself Anti-Junius, attacked the preceding letter of JUNIUS in three successive numbers of the Public Advertiser, in February 1771; but, after the extracts inserted from Dr. Johnson, his letters are hardly intitled to further notice. EDIT.

contains such a satisfaction as the King of Great Britain ought to have accepted. This was the field, upon which he ought to have encountered JUNIUS openly and fairly. But here he leaves the argument, as no longer defensible. I shall therefore conclude with one general admonition to my fellow subjects;—that, when they hear these matters debated, they should not suffer themselves to be misled by general declamations upon the conveniences of peace, or the miseries of war. Between peace and war, abstractedly, there is not, there cannot be a question in the mind of a rational being. The real questions are, *Have we any security that the peace we have so dearly purchased will last a twelve month?* and if not,—*have we or have we not, sacrificed the fairest opportunity of making war with advantage?*

PHILO JUNIUS*.

* On the seventh of February appeared the following letter:

"TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR,

The first letter of *Anti-junius* did not promise a second, or at least it escaped me. I shall reserve my observations on his second till I see the whole.

In the third paragraph of my letter (line 29) it should have been printed common course, not common cause.

PHILO JUNIUS."

The error is corrected in this edition. EDIT.

LETTER XLIV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 22 *April*, 1771.

To write for profit without taxing the press * ;—to write for fame and to be unknown; —to support the intrigues of faction and to be disowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions, which the minister must reconcile, before I forfeit my credit with the public. I may quit the service, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr. Wedderburne's † resolution; and though, in him, it was rather a profession than

* See Private Letter, No. 59. EDIT.

† Mr. Wedderburne, progressively baron Loughborough and earl of Rosslyn, had, on the 12th of January preceding the date of this letter, been promoted to the offices of solicitor general, and cofferer to the Queen. His politics may, therefore, be ascertained without trouble; yet he had been inducted into public life, under the auspices of George Grenville after the latter had professed the principles of Whiggism, and while he was a partisan of Lord Rockingham: and it is to this defection from the tenets Mr. Wedderburne avowed till this period, that our author here alludes. EDIT.

a desertion of his principles, [I speak tenderly of this gentleman, for when treachery is in question, I think we should make allowances for a Scotchman,] yet we have seen him in the House of Commons overwhelmed with confusion, and almost bereft of his faculties.—But in truth, Sir, I have left no room for an accommodation with the piety of St. James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest patriots would disclaim me as a burthen to their honest ambition. On the other, the vilest prostitution, if JUNIUS could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons, who, till within these few years, have been most distinguished by their zeal for high church and prerogative, are now, it seems, the great assertors of the privileges of the House of Commons. This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by Tories and Jacobites, at the expense of those strict rights, which are known to the subject and limited by the laws, I cannot but suspect, that some mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who

have uniformly denied the power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his Majesty's family, have defended that doctrine at the hazard of their lives, now tell us that privilege of parliament is the only rule of right, and the chief security of the public freedom.—I fear, Sir, that, while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be so easily renounced. Liberal minds are open to conviction.—Liberal doctrines are capable of improvement.—There are proselytes from atheism, but none from superstition.—If their present professions were sincere, I think they could not but be highly offended at seeing a question, concerning parliamentary privilege, unnecessarily started at a season so unfavourable to the House of Commons, and by so very mean and insignificant a person as the minor *Onslow* *. They knew that the present House of Commons, having commenced hostilities with the people, and degraded the authority of the laws by their own example, were

* It was this gentleman who moved the resolution against the printers already noticed; and who commenced a prosecution for defamation against Horne, in which he was not successful; and of which the reader will find an account in note to Private Letters, No. 5.

likely enough to be resisted, *per fas & nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and without the formality of a convention, would have left it undecided.

I have been silent hitherto, though not from that shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, Sir, that I felt the prejudices of my education, in favour of a House of Commons, still hanging about me. I thought that a question, between law and privilege*, could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty;—that it ought therefore to be carefully avoided: and when I saw that the violence of the House of Commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

* The transaction referred to is the resistance of the authority of a mere royal proclamation, and a mere order of the House of Commons by the magistrates of the city; and the arrests and counter-arrests that followed; the commitment of the Lord Mayor and aldermen to the Tower, and the petitions and remonstrances to his Majesty for the dissolution of a parliament that had acted so unconstitutionally. See note to Miscellaneous Letters, No. XCII. and p. 105 of this volume. EDIT.

The state of things is much altered in this country, since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present it is not only their interest, but I hold it to be essentially necessary, to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle, on which I would have resisted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects through the medium of the House of Commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but we can prevent their carrying over their arms to the service of the enemy.—It will be said, that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience;—that I deny at one moment what I would

allow at another; and that to resist the power of a prostituted House of Commons may establish a precedent injurious to all future parliaments.—To this I answer generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our submission to privileges, which have never been defined by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable House of Commons, I own I am not now sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is severely altered; and, without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of the crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great convulsion,

which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt that, in the first session after the next election, some popular measures may be adopted. The present House of Commons have injured themselves by a too early and public profession of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But after all, Sir, it is very immaterial whether a House of Commons shall preserve their virtue for a week, a month, or a year. The influence which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of success.—My premises, I know, will be denied in argument, but every man's conscience tells him they are true. It remains then to be considered, whether it be for the interest of the people that privilege of parliament (which *, in respect to the purposes, for which it has hitherto been acquiesced under, is

* "The necessity of securing the House of Commons against the King's power, so that no interruption might be given either to the attendance of the members in parliament, or to the freedom of debate, was the foundation of parliamentary privilege; and we may observe, in all the addresses of new appointed speakers to the Sovereign, the utmost privilege they demand is liberty of speech and freedom from arrests. The

merely nominal) should be contracted within some certain limits, or whether the subject shall be left at the mercy of a power, arbitrary upon the face of it, and notoriously under the direction of the crown.

I do not mean to decline the question of *right*. On the contrary, Sir, I join issue with the advocates for privilege, and affirm, that, "excepting the cases, wherein the House of Commons are a court of judicature, [to which, from the nature of their office, a coercive power must belong] and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation of privilege whatsoever."— It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be said with any colour of truth, to be a part of the common law of England, which had grown into prescription, long before we knew any thing of the existence of a House of Commons. As for the law of parliament it is only another name for the privilege

very word privilege, means no more than immunity, or a safeguard to the party who possesses it, and can never be construed into an active power of invading the rights of others." AUTHOR.

, This and some of the following notes form part of a Letter signed a Whig, and will be found in the Miscellaneous Collection numbered XCV. EDIT.

in question; and since the power of creating new privileges has been formally renounced by both houses,—since there is no code in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it;—that is, to compare the nature of the institution of a House of Commons, with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from usurpation, it must appear that it is indispensably necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description it follows clearly, that whatever privilege does of right belong to the present House of Commons, did equally belong to the first assembly of their predecessors, was as completely vested in them, and might have been exercised in the same extent. From the second we must infer that privileges, which, for several centuries, were not only never allowed, but never even claimed by the House of Commons, must be founded upon usurpation. The constitutional duties of a House of Commons, are not very complicated nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the King;—petition for

the redress of grievances, and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude that, for many centuries after the institution of the House of Commons, they were never performed. I am not bound to prove a negative, but I appeal to the English history when I affirm that, with the exceptions already stated, (which yet I might safely relinquish) there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the House of Commons having imprisoned any man (not a member of their house) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the *poor Commons*, as they then styled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the King, or, what is more remarkable, applied for justice to the House of Lords; and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the King's business. So little conception had our ancestors of the monstrous doctrines, now maintained, concerning privilege, that in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative assembly,

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was restrained, by the Queen's authority, to a simple *aye* or *no*, and this restriction, though imposed upon three successive parliaments *, was never once disputed by the House of Commons.

I know there are many precedents of arbitrary commitments for contempt. But, besides that they are of too modern a date to warrant a presumption that such a power was originally vested in the House of Commons,—*Fact* alone does not constitute *Right*. If it does, general warrants were lawful.—An ordinance of the two houses has a force equal to law; and the criminal jurisdiction assumed by the Commons in 1621, in the case of Edward Lloyd is a good precedent, to warrant the like proceedings against any man, who shall unadvisedly mention the folly of a King, or the ambition of a Princess.—The truth is, Sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and asserted by a House of Commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their

* In the years 1593—1597—and 1601.

power by a moderate or a popular use of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If however it could be proved, from considerations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the House of Commons, and that *in fact* they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England (and without it, all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power, now in question, be tried by this rule.— The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal, and discharges the prisoner. Does the law provide no legal means for inforcing a legal warrant? Is there no regular proceeding pointed out in our law books to assert and vindicate the authority of so high a court as the House of Commons? The question is answered directly by the fact. Their unlawful commands are resisted, and they have no remedy. The imprisonment of their own

members is revenge indeed, but it is no assertion of the privilege they contend for*. Their whole proceeding stops, and there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-hall be resisted, they have a direct course, sufficient to inforce submission. The court of King's Bench commands the Sheriff to raise the *posse comitatûs*. The courts of Chancery and Exchequer issue a *writ of rebellion*, which must also be supported, if necessary, by the power of the county.—To whom will our honest representatives direct *their* writ of rebellion? The guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from Lord Barrington †.

* Upon their own principles, they should have committed Mr. Wilkes, who had been guilty of a greater offence than even the lord mayor or alderman Oliver. But after repeatedly ordering him to attend, they at last adjourned beyond the day appointed for his attendance, and by this mean, pitiful evasion, gave up the point.—Such is the force of conscious guilt! AUTH.

See Note to Miscellaneous Letters, No. XCII. EDIT.

† In allusion to his Letter of thanks to the guards for their conduct in St. George's Fields. See the Letter, and the subject more

It may now be objected to me, that my arguments prove too much; for that certainly there may be instances of contempt and insult to the House of Commons, which do not fall within my own exceptions, yet, in regard to the dignity of the house, ought not to pass unpunished. Be it so.—The courts of criminal jurisdiction are open to prosecutions, which the Attorney General may commence by information or indictment. A libel, tending to asperse or vilify the House of Commons, or any of their members, may be as severely punished in the court of King's-bench, as a libel upon the King. Mr. De Grey thought so, when he drew up the information upon my Letter to his Majesty, or he had no meaning in charging it to be a scandalous libel upon the House of Commons. In *my* opinion, they would consult their real dignity much better, by appealing to the laws when they are offended, than by violating the first principle of natural justice, which forbids us to be judges, when we are parties to the cause*.

more particularly touched upon in the Miscellaneous Collection, No. XXIV. EDIT.

* "If it be demanded, in case a subject should be committed by either house, for a matter manifestly out of their jurisdiction, what remedy can he have? I answer, that it cannot well be imagined that the law, which favours nothing more than the liberty of the subject, should give us a remedy against commitments

I do not mean to pursue them through the remainder of their proceedings. In their first resolutions, it is possible they might have been deceived by ill-considered precedents. For the rest, there is no colour of palliation or excuse. They have advised the King to resume a power of dispensing with the laws by royal proclamation *; and kings we see are ready enough to follow such advice.—By mere violence, and without the shadow of right, they have expunged the record † of a judicial proceeding ‡. Nothing

commitments by the King himself, appearing to be illegal, and yet give us no manner of redress against a commitment by our fellow subjects, equally appearing to be unwarranted. But as this is a case, which I am persuaded will never happen, it seems needless over nicely to examine it." *Hawkins* 2. 110.——— *N. B. He was a good lawyer, but no prophet.*

* That their practice might be every way conformable to their principles, the House proceeded to advise the crown to publish a proclamation universally acknowledged to be illegal. Mr. Moreton publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of it with horror. It is remarkable enough, that the very men, who advised the proclamation, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence, nor have they ventured to take the least notice of Mr. Wilkes for discharging the persons apprehended under it.

† Our author refers to the erasure of the transactions of the sitting Aldermen from the book of recognizances, as stated in note to Miscellaneous Letters, No. XCII. EDIT.

‡ Lord Chatham very properly called this the act of a mob, not of a senate: AUTHOR.

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remained, but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

The public virtues of the chief magistrate have long since ceased to be in question. But it is said that he has private good qualities, and I myself have been ready to acknowledge them. They are now brought to the test. If he loves his people, he will dissolve a parliament, which they can never confide in or respect.—If he has any regard for his own honour, he will disdain to

In a speech made in support of the following motion submitted to the House of Lords, April 30, 1771.

The Duke of Richmond moved, "That an humble address be presented to his Majesty, most dutifully and earnestly beseeching his Majesty, that, under the late violations of the rights of the electors of Great Britain, in the election for Middlesex, still unredressed, and in the present conflict which has so unhappily arisen between the claims of privilege of the House of Commons on one side, and those of magistracy on the other, his Majesty will, in his paternal wisdom, deign to open the way to compose this alarming warfare; and that, in order to prevent the said house and the nation from being involved in intemperate discussions of undefined powers, which, in the extreme, may endanger the constitution, and tend to shake the tranquillity of the kingdom, his Majesty will be graciously pleased to recur to the recent sense of his people, by dissolving, after the end of this session, the present parliament, and calling, with convenient dispatch, a new parliament."

Lord Chatham, in supporting this motion, "entered largely into the consideration of the melancholy state of the country; —the depraved system of government, which had, in a very few years, reduced us from a most flourishing to a most miserable condition.

be any longer connected with such abandoned prostitution. But if it were conceivable, that a king of this country had lost all sense of personal honour, and all concern for the welfare of his

condition. He went through the whole proceedings of the House of Commons in the late business of the printers, and arraigned every part of it in the strongest terms. He warmly defended the magistrates in the conscientious discharge of their duty;—that the House, in committing them to prison without hearing their defence upon the point of privilege, had been guilty of a gross and palpable act of tyranny;—that they had heard the prostituted electors of Shoreham in defence of an agreement to sell a borough by auction, and had refused to hear the Lord Mayor of London, in defence of the laws of England;—that their expunging, by mere force, the entry of the recognizance, was the act of a *mob*, not of a parliament;—but that their daring to assume a power of stopping all prosecutions by their vote, struck at once at the whole system of the laws;—that it was solely to the measures of government, equally violent and absurd, that Mr. Wilkes owed all his importance;—that the King's ministers, supported by the slavish concurrence of the House of Commons, had once made him a person of the greatest consequence in the kingdom;—that they in effect had made him an alderman of London, and representative of the County of Middlesex; and now, it seems, they intend to make him Sheriff, and, in due course, Lord Mayor of London;—that the proceedings of the House of Commons, in regard to this gentleman, made the very name of parliament ridiculous;—that after repeated resolutions, by which they had declared him amenable to their jurisdiction, they had shamefully given up the point at last, and, in the face of the world, acknowledged him to be their lord and master.—That there remained but one possible remedy for the disorders, with which the government of this country was universally infected;

—that

subjects, I confess, Sir, I should be contented to renounce the forms of the constitution once more, if there were no other way to obtain substantial justice for the people *.

JUNIUS.

—that to save the name and institution of parliaments from contempt, this House of Commons must be dissolved. This he hoped might restore good government on one side,—good humour and tranquillity on the other;—yet that this was rather a hope in him than any sanguine expectation. He feared that it might prove only a temporary and partial remedy;—that to resist the enormous influence of the crown, some stronger barriers must be erected in defence of the constitution. That formerly the inconveniences of shortening the duration of parliaments had had great weight with him, but that now it was no longer a question of convenience, the *summa rerum* is at stake,—your whole constitution is giving way;—and therefore, with the most deliberate and solemn conviction to his understanding, he now declared himself a CONVERT TO TRIENNIAL PARLIAMENTS." EDIT.

* When Mr. Wilkes was to be punished, they made no scruple about the privileges of parliament; and although it was as well known as any matter of public record and uninterrupted custom could be, *that the members of either house are privileged except in case of treason, felony, or breach of peace*, they declared without hesitation *that privilege of parliament did not extend to the case of a seditious libel*; and undoubtedly they would have done the same if Mr. Wilkes had been prosecuted for any other misdemeanor whatsoever. The ministry are of a sudden grown wonderfully careful of privileges, which their predecessors were as ready to invade. The known laws of the land, the rights of the subject, the sanctity of charters, and the reverence due to our magistrates, must all give way, without question or resistance, to a privilege of which no man knows either the origin or the extent. The House of Commons judge

LETTER XLV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 1 *May*, 1771.

THEY, who object to detached parts of JUNIUS's last letter, either do not mean him fairly, or have not considered the general scope and course of his argument.—There are degrees in all the private vices.—Why not in public prostitution?—The influence of the crown naturally makes a septennial parliament dependent.—Does it follow that every House of Commons will plunge at once into the *lowest depths* of prostitution?—JUNIUS supposes that the present House of Commons, in going such enormous lengths, have been *imprudent to themselves*, as well as wicked to the public;—that their example is *not within the reach of emulation*;—and

judge of their own privileges without appeal:—they may take offence at the most innocent action, and imprison the person who offends them, during their arbitrary will and pleasure. The party has no remedy;—he cannot appeal from their jurisdiction; and if he questions the privilege, which he is supposed to have violated, it becomes an aggravation of his offence. Surely this doctrine is not to be found in Magna Charta. If it be admitted without limitation, I affirm that there is neither law nor liberty in this kingdom. We are the slaves of the House of Commons, and, through them, we are the slaves of the King and his ministers. ANONYMOUS.

that, in the first session after the next election, *some* popular measures may probably be adopted. He does not expect that a dissolution of parliament will destroy corruption, but that at least it will be a check and terror to their successors, who will have seen that, *in flagrant cases*, their constituents *can* and *will* interpose with effect.—After all, Sir, will you not endeavour to remove or alleviate the most dangerous symptoms, because you cannot eradicate the disease? Will you not punish *treason* or *parricide*, because the sight of a gibbet does not prevent highway robberies? When the main argument of JUNIUS is admitted to be unanswerable, I think it would become the minor critic, who hunts for blemishes, to be a little more distrustful of his own sagacity.—The other objection is hardly worth an answer. When JUNIUS observes that kings are ready enough to follow *such* advice, he does not mean to insinuate that, if the advice of parliament were good, the King would be so ready to follow it.

PHILO JUNIUS.

LETTER XLVI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 22 *May*, 1771.

VERY early in the debate upon the decision of the Middlesex election, it was well observed by JUNIUS, that the House of Commons had not only exceeded their boasted precedent of the expulsion and subsequent incapacitation of Mr. Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr. Dyson of giving a false quotation from the journals*, and having explained the purpose, which that contemptible fraud was intended to answer, he proceeds to state the vote itself, by which Mr. Walpole's supposed incapacity was declared,—viz. "Resolved, That Robert Walpole, Esq. having been this session of parliament committed a prisoner to the Tower, and expelled this house for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was, and is incapable of being elected a member to serve in this present parliament:"—and then observes that, from the terms of the vote, we have no right to annex the incapacitation to the *expulsion* only, for that, as the proposition stands, it must

* See JUNIUS, Letter xx. vol. i. p. 216, note. EDIT.

arise equally from the expulsion and the commitment to the Tower. I believe, Sir, no man, who knows any thing of dialectics, or who understands English, will dispute the truth and fairness of this construction. But JUNIUS has a great authority to support him, which, to speak with the Duke of Grafton, I accidentally met with this morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Somers, in his excellent tract upon the rights of the people, after reciting the vote of the convention, of the 28th of January, 1689, viz.—"That King James the second, having endeavoured to subvert the constitution of this kingdom by breaking the original contract between King and people; and by the advice of jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this kingdom, hath abdicated the government, &c."——makes this observation upon it. "The word *abdicated* relates to *all* the clauses aforegoing, as well as to his deserting the kingdom, or else they would have been wholly in vain." And that there might be no pretence for confining the *abdication* merely to the *withdrawing*, Lord Somers farther observes, *That King James, by refusing to govern us according to that law, by which he held the crown, did implicitly renounce his title to it.*

If JUNIUS's construction of the vote against Mr. Walpole be now admitted, (and indeed I cannot comprehend how it can honestly be disputed) the advocates of the House of Commons must either give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdities imaginable, viz. "That a commitment to the Tower is a constituent part of, and contributes half at least to the incapacitation of the person who suffers it."

I need not make you any excuse for endeavouring to keep alive the attention of the public to the decision of the Middlesex election. The more I consider it, the more I am convinced that, as a *fact*, it is indeed highly injurious to the rights of the people; but that, as a *precedent*, it is one of the most dangerous that ever was established against those who are to come after us*.

* Mr. Wilkes having been again returned as one of the members for the county of Middlesex, in the parliaments of 1774 and 1780, made various fruitless efforts to get the decision of the House of Commons on this most interesting controversy, erased from their journals, which he at length effected, on the dissolution of the administration of which Lord North had been at the head, from the time of the resignation of the Duke of Grafton, in the year 1770. This occurred May 3, 1782.

Mr. Wilkes prefaced his motion in the following address to the house.

"MR. SPEAKER,

"I THINK myself peculiarly happy at the present moment,

Yet I am so far a moderate man, that I verily believe the majority of the House of Commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were doing. Their motives were rather despicable than criminal, in

ment, that I have the honour of submitting to the House an important national question, respecting the rights of election, when the friends and favourites of the people enjoy, with the smiles of our Sovereign, the offices of trust and power in the state, accompanied with that fair influence, which is necessarily created by great ability, perfect integrity, the purest political virtue, and the remembrance of their former upright conduct in the cause of the people. If the people of England, Sir, have at any period explicitly and fully declared an opinion on a momentous constitutional question, it has been in regard to the Middlesex election in 1768, and the subsequent most profligate proceedings of an administration, hostile, by system, to the rights of this country, and every part of the British empire. An instance cannot be found in our history of a more general concurrence of sentiment among the freeholders of England, and they were joined by almost every Borough and Corporation in the southern part of the island. I am satisfied therefore that I now shall find the real friends of the people determined and zealous in the support of their just claims and undoubted privileges.

"Hitherto, Sir, every attempt for the recovery of this invaluable franchise, has been rendered fruitless by the arts and machinations of power in the hands of wicked men: and I may with truth assert, that the body of the people long addressed, petitioned, and remonstrated with manly firmness and perseverance, without the least effect, or even impression. The full redress demanded by this injured nation, seems reserved

to

the extreme. One effect they certainly did not foresee. They are now reduced to such a situation, that if a member of the present House of Commons were to conduct himself ever so im-

to distinguish the present propitious æra of public liberty among the early and blooming honours of an administration, which possesses the confidence, and daily conciliates the affections of a brave and sensible people. Their voice was never heard in a more clear and distinct manner, than on this point of the first magnitude, for all the electors of this kingdom; and I trust will now be heard favourably. The general resentment and indignation ran so high against the House of Commons, which committed the outrage, that their immediate dissolution became the prayer of numberless petitions to the throne. No man scrupled to declare them unworthy to exist in their political capacity. The public pronounced them *guilty* of sacrificing and betraying the rights which they were called upon by every tie of justice and duty to defend. The noble spirit of the freeholders of Middlesex, persevering in the best of causes, undaunted by all the menaces of power, was the subject of the most general applause and admiration. The voice of the people was then in the harsh and sharp tone of passion and anger against ministers. It will, I am persuaded, soon be in the soft and pleasing accents of joy and thankfulness to our deliverers.

" It is scarcely possible, Sir, to state a question in which the people of this free country are more materially interested, than in the right of election; for it is the share which they have reserved to themselves in the legislature. When it was wrested from them by violence, the constitution was torn up by the roots.

" I have now the happiness of seeing the treasury bench filled with the friends of the constitution, the guardians and lovers of liberty, who have been unwearied and uniform in the defence of all our rights, and in particular of this invaluable fran-

chise.

properly, and in reality deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him; because they know that the people, in order to try again the

chise. I hail the present auspicious moment, and with impatience expect the completion of what I have long and fervently desired for my friends and country, for the present age, and a free posterity. The former conduct of those now in power, affords me the most sanguine hopes of this day seeing justice done to a people, to whom they have so frequently appealed, who now look up to them with ardent expectation, with pleasure and esteem. Consistency, Sir, has drawn the right line of their political conduct to this period. It will now point out the same path of public virtue and honour. May I be indulged in a hint, which I mean to extend much beyond the business of the day, when I say that consistency will be attended with that stability and perfect security, which are the objects of every good man's wishes for them? They have given us a fair earnest of their reverence for the constitution, by their support of two bills, essentially necessary to restore the purity and independency of parliament; *I mean the bill for preventing contractors from sitting in the House of Commons, and the bill for disabling officers of the revenue from voting at elections.*"———Mr. Wilkes was here interrupted with a message by Sir Francis Molyneux, gentleman usher of the *black rod*, desiring the immediate attendance of the House of Commons in the House of Lords. The Speaker then went up to the House of Peers; and after his return and report of what had passed,

Mr. Wilkes said;

"MR. SPEAKER,

"I RETURN my thanks to the *black* rod for so luckily interposing in favour of this house, when I might possibly have again tired them with the important, however stale, case of

great question of right, or to thwart an odious House of Commons, would probably overlook his immediate unworthiness, and return the same person to parliament.—But, in time, the prece-

of the *Middlesex election*, which their patient ear has for several years, with much good nature, suffered. I will now make some return to their indulgence, in profiting by the circumstance of this happy interruption, and not saying a single word about *Walpole* or *Wollaston*, *Coke* or *Blackstone*. I will not detain the house longer, than by observing the parliamentary form of desiring the clerk to read the resolution of the 17th of February, 1769." Which having been complied with, he then moved, "That the entry of the resolution of the 17th of Feb. 1769, 'That John Wilkes, Esq. having been in this session of parliament expelled this house, was, and is, incapable of being elected a member to serve in this present parliament,' might be expunged from their journals, it being subversive of the rights of the whole body of the electors of this kingdom." This motion was, after some opposition from the late Mr. Fox, then Secretary of State, and from the late Lord Melville, then Lord Advocate for Scotland, the former of whom had strenuously supported the whole of the resolutions passed by the House of Commons, in respect to the Middlesex election, carried on a division, 185 to 47. Mr. Wilkes, as soon as this question was disposed of, moved, "That all the declarations, orders and resolutions of the house, respecting his election, for the county of Middlesex, as a void election, the due and legal election of Mr. Luttrell into parliament for the said county, and his own incapacity to be elected a member to serve in the said parliament, be expunged;" which motion was, for the reasons before given, carried without a division.

Thus terminated one of the most severe, and on the part of the servants of the crown, most unconstitutional, political contests, that ever agitated the people of this country; not leaving

a rack

dent will gain strength. A future House of Commons will have no such apprehensions, consequently will not scruple to follow a precedent, which they did not establish. The miser him-

a rack behind, to constitute, as our Author emphatically terms it, " a precedent the most dangerous that ever was established against those who are to come after us." As the merit of the erasure of these obnoxious resolutions from the journals of the House of Commons, is solely due to the talents and perseverance of Mr. Wilkes, it will not be unfair to defend his motives and pretensions as a patriot, from the detraction of contemporary adversaries, as well as from his more modern opponents. The first political offence of which he appears to have been guilty, was the severity with which he attacked the administration of Lord Bute, and which was justly characterized for being as deficient in ability, as it was odiously unconstitutional. For this attack a general warrant was issued, his papers were seized, and himself committed a close prisoner to the Tower. He was afterwards prosecuted for the republication of the North Briton, No. 45, the vehicle of his political lucubrations, and for the Essay on Woman, which had been surreptitiously stolen from him by a man of the name of Curry, employed in printing it at his private press, at the instigation of, and under the promise of ample reward and protection from Philip Carteret Webb, the Solicitor to the Treasury. Previous to the trial, Wilkes fled to France, where he remained for some years; in the mean time he had been found guilty in the King's Bench of printing and publishing both libels; and not appearing in due time to receive the judgment of the court, he was outlawed. On the dissolution of parliament in the year 1768, he returned to this country, and was elected member for the county of Middlesex. In the meanwhile, he surrendered himself to the King's Bench, and having claimed the benefit of certain errors in the writ of outlawry, the same were,

after

self seldom lives to enjoy the fruit of his extortion; but his heir succeeds to him of course, and takes possession without censure. No man ex-

after solemn argument, admitted by the court, and the outlawry was reversed. A few days subsequent to this determination, Lord Mansfield pronounced the judgment of the court on him for publishing the libels; for the former he was sentenced to pay a fine of 500*l.* to the King, and to be imprisoned ten months; and for the latter, he was fined in the like sum, and sentenced to twelve months imprisonment; and was further ordered to find security for his good behaviour for seven years, himself in 1000*l.* and two sureties in 500*l.* each. His expulsion from the House of Commons, and the consequences of it, are the subject of several of the Letters of these Volumes, as well as of the notes which have been added to them. Not long previous to his release from prison, he was elected Alderman of Farringdon Without; shortly afterwards one of the Sheriffs of London, and in due course Lord Mayor; and on the death of Mr. Hopkins, Chamberlain. At a subsequent period of Mr. Wilkes's life, when the violence of the politics which had raised him to these several respectable situations had altogether subsided, he was attacked, more than once, on the annual election of Chamberlain, and other city officers, with a demand of the previous resignation of his gown as an alderman of London, which he always most resolutely refused, declaring that no consideration on earth should induce him to forego the honour which he felt had been conferred upon him by his election to the magistracy of the City of London, and by which determination he ran considerable risk of losing his election to the former lucrative situation; an instance of disinterestedness not often to be met with in those who most confidently lay claim to patriotism, which certainly places his character in a higher point of view than many have been willing to allow to it: and, in so far as the motives which actu-

pects him to make restitution, and no matter for his title, he lives quietly upon the estate.

PHILO JUNIUS.

ated his political conduct can be called in question, adds to the value of the obligations conferred upon us, by his able and successful resistance of general warrants, by the aid and assistance afforded the printers in resisting the violence of the House of Commons, on the subject of reporting their debates, and by his perseverance in vindicating the rights of the electors of Great Britain, in procuring the erasure from the journals of their most unconstitutional determination, on the much agitated question of the Middlesex election. With respect to the private character of Mr. Wilkes in early life, the writer of this note will not venture to make any defence, though he trusts to be excused if he quotes the apology which was made for him by a friend, in the year 1769. " As to his private foibles, I shall only add, that he may apply what a very eccentric genius of this age has said of himself: My own passions, and the passions and interests of other people still more, have led me aside. I launched into the deep before I had loaded ballast enough. If the ship did not sink, the cargo was thrown overboard. The storm itself threw me into port." Mr. Wilkes, after he lost his election for the County of Middlesex, in the year 1790, lived in considerable retirement, and much respected. His literary attainments were of the higher order, and as a political controversialist, few men were equal to him. Not many years before his death, he was applied to by the late Mr. H. S. Woodfall to write some explanatory notes for a new edition of these Letters, which by some have been erroneously attributed to his pen, but declined it, on the ground, as he stated, of not wishing to pay a second visit to the prison of the King's Bench. Mr. Wilkes died Dec. 26, 1797, in the 71st year of his age. A fac simile of his hand writing will be found at the beginning of one of the volumes of this work. EDIT.

LETTER XLVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, *25 May, 1771.*

I CONFESS my partiality to JUNIUS, and feel a considerable pleasure in being able to communicate any thing to the public, in support of his opinions. The doctrine laid down in his last letter, concerning the power of the House of Commons to commit for contempt, is not so new as it appeared to many people, who, dazzled with the name of *privilege*, had never suffered themselves to examine the question fairly. *In the course of my reading this morning*, I met with the following passage in the journals of the House of Commons. (Vol. 1st. page 603.) Upon occasion of a jurisdiction unlawfully assumed by the house in the year 1621, Mr. Attorney General *Noyc* gave his opinion as follows. "No doubt but, in some cases, this house may give judgment;—in matters of returns, and concerning members of our house, or falling out in our view in parliament; but, for foreign matters, knoweth not how we can judge it.—Knoweth not that we have been used to give judgment in any case, but those beforementioned."

Sir Edward Coke, upon the same subject, says, (page 604.) "No question but this is a

house of record, and that it hath power of judicature in some cases—have power to judge of returns and members of our house; one, no member, offending out of the parliament, *when he came hither and justified it*, was censured for it."

Now, Sir, if you will compare the opinion of these great sages of the law with JUNIUS's doctrine, you will find they tally exactly.—He allows the power of the house to commit their own members; (which however they may grossly abuse.) He allows their power in cases where they are acting as a court of judicature, viz. elections, returns, &c.—and he allows it in such contempts as immediately interrupt their proceedings, or, as Mr. Noye expresses it, *falling out in their view in parliament.*

They, who would carry the privileges of parliament farther than JUNIUS, either do not mean well to the public, or know not what they are doing. The government of England is a government of law. We betray ourselves, we contradict the spirit of our laws, and we shake the whole system of English jurisprudence, whenever we intrust a discretionary power over the life, liberty, or fortune of the subject, to any man, or set of men, whatsoever, upon a presumption that it will not be abused.

PHILO JUNIUS.

LETTER XLVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 28 *May*, 1771.

ANY man, who takes the trouble of perusing the journals of the House of Commons, will soon be convinced, that very little, if any regard at all, ought to be paid to the resolutions of one branch of the legislature, declaratory of the law of the land, or even of what they call the law of parliament. It will appear that these resolutions have no one of the properties, by which, in this country, particularly, *law* is distinguished from mere *will* and *pleasure;* but that, on the contrary, they bear every mark of a power arbitrarily assumed and capriciously applied:—That they are usually made in times of contest, and to serve some unworthy purpose of passion or party;—that the law is seldom declared until *after* the fact, by which it is supposed to be violated;—that legislation and jurisdiction are united in the same persons, and exercised at the same moment;—and that a court from which there is no appeal, assumes an *original* jurisdiction in a criminal case;—in short, Sir, to collect a thousand absurdities into one mass, "we have a law, which cannot be known because it is *ex post facto*, the party is both legislator and judge, and the jurisdiction is without appeal."

Well might the judges say, *The law of parliament is above us.*

You will not wonder, Sir, that, with these qualifications, the declaratory resolutions of the House of Commons should appear to be in perpetual contradiction, not only to common sense and to the laws we are acquainted with, (and which alone we can obey) but even to one another. I was led to trouble you with these observations by a passage, which, to speak in lutestring, *I met with this morning in the course of my reading*, and upon which I mean to put a question to the advocates for privilege.—On the 8th of March, 1704, (vide Journals, Vol. 14. p. 565.) the House thought proper to come to the following resolutions.—1. "That no commoner of England, committed by the House of Commons for breach of privilege or contempt of that house, ought to be, by any writ of *Habeas Corpus*, made to appear in any other place, or before any other judicature, during that session of parliament, wherein such person was so committed."

2. "That the Serjeant at Arms, attending this house do make no return of or yield any obedience to the said writs of *Habeas Corpus*, and for such his refusal, that he have the protection of the House of Commons*."

* If there be in reality any such law in England, as the *law of parliament*, which, (under the exceptions stated in my letter

Welbore Ellis, What say you? Is this the law of parliament or is it not? I am a plain man, Sir, and cannot follow you through the phlegmatic forms of an oration. Speak out, Grildrig*,—say yes, or no.—If you say *yes*, I shall then inquire by what authority Mr. De Grey, the honest Lord Mansfield, and the Barons of the Exchequer, dared to grant a writ of *Habeas Corpus* for bringing the bodies of the Lord Mayor and Mr. Oliver before them, and why the Lieutenant of the Tower made any return to a writ, which the House of Commons had, in a similar instance, declared to be unlawful.—If you say *no*, take care you do not at once give up the cause, in support of which

on privilege) I confess, after long deliberation, I very much doubt, it certainly is not constituted by, nor can it be collected from the resolutions of either house, whether *enacting* or *declaratory*. I desire the reader will compare the above resolution of the year 1704, with the following of the 3d of April, 1628.—" *Resolved,* That the writ of *Habeas Corpus* cannot be denied, but ought to be granted to *every* man, that is committed or detained in prison, or otherwise restrained, by the command of the King, the Privy Council, *or any other,* he praying the same."

* The diminutive stature of Mr. Welbore Ellis, afterwards Lord Mendip, hence in another place called, by our author, little *mannikin* Ellis, has been already noticed in the note in p. 129 of the present volume. The term Grildrig preserves the same idea, this being the name bestowed on Gulliver by the gigantic inhabitants of Brobdignag. EDIT.

you have so long and so laboriously tortured your understanding. Take care you do not confess that there is no test by which we can distinguish,—no evidence by which we can determine,—what is, and what is not the law of parliament. The resolutions I have quoted stand upon your journals, uncontroverted and unrepealed;—they contain a declaration of the law of parliament by a court, competent to the question, and whose decision, as you and Lord Mansfield say, must be law, because there is no appeal from it, and they were made, not hastily, but after long deliberation upon a constitutional question.—What farther sanction or solemnity will you annex to any resolution of the present House of Commons, beyond what appears upon the face of those two resolutions, the legality of which you now deny. If you say that parliaments are not infallible, and that Queen Anne, in consequence of the violent proceedings of that House of Commons, was obliged to prorogue and dissolve them, I shall agree with you very heartily, and think that the precedent ought to be followed immediately. But you, Mr. Ellis, who hold this language, are inconsistent with your own principles. You [illegible] hitherto maintained that the House of [illegible]mons are the sole judges of their own privileges, and that their declaration does, *ipso facto*,

constitute the law of parliament; yet now you confess that parliaments are fallible, and that their resolutions may be illegal, consequently that their resolutions *do not* constitute the law of parliament. When the King was urged to dissolve the present parliament, you advised him to tell his subjects, that *he was careful not to assume any of those powers, which the constitution had placed in other hands*, &c. Yet Queen Anne, it seems, was justified in exerting her prerogative to stop a House of Commons, whose proceedings, compared with those of the assembly, of which you are a most worthy member, were the perfection of justice and reason.

In what a labyrinth of nonsense does a man involve himself who labours to maintain falsehood by argument? How much better would it become the dignity of the House of Commons to speak plainly to the people, and tell us at once, *that their will must be obeyed, not because it is lawful and reasonable, but because it is their will.* Their constituents would have a better opinion of their candour, and, I promise you, not a worse opinion of their integrity.

PHILO JUNIUS

LETTER XLIX.

TO HIS GRACE THE DUKE OF GRAFTON*.

MY LORD, 22 *June*, 1771.

THE profound respect I bear to the gracious Prince, who governs this country with no less honour to himself than satisfaction to his subjects, and who restores you to your rank under his standard, will save you from a multitude of reproaches. The attention I should have paid to your failings is involuntarily attracted to the hand that rewards them; and though I am not so partial to the royal judgment, as to affirm, that the favour of a King can remove mountains of infamy, it serves to lessen at least, for undoubtedly it divides the burthen. While I remember how much is due to *his* sacred character, I cannot, with any decent appearance of propriety, call you the meanest and the basest fellow in the kingdom. I protest, my Lord, I do not think you so. You will have a dangerous rival, in that kind of fame to which you have hitherto so happily directed your am-

* The author, in Private Note, No. 35. speaking of this letter, says, "I am strangely partial to the inclosed. It is finished with the utmost care. If I find myself mistaken in my judgment of this paper, I positively will never write again." The reader will doubtless give the writer full credit for the correctness of his opinion in the present instance. EDIT.

bition, as long as there is one man living, who thinks you worthy of his confidence, and fit to be trusted with any share in his government. I confess you have great intrinsic merit; but take care you do not value it too highly. Consider how much of it would have been lost to the world, if the King had not graciously affixed his stamp, and given it currency among his subjects. If it be true that a virtuous man, struggling with adversity, be a scene worthy of the gods, the glorious contention, between you and the best of Princes, deserves a circle, equally attentive and respectable. I think I already see other gods rising from the earth to behold it.

But this language is too mild for the occasion. The King is determined, that our abilities shall not be lost to society. The perpetration and description of new crimes will find employment for us both. My Lord, if the persons, who have been loudest in their professions of patriotism, had done their duty to the public with the same zeal and perseverance that I did, I will not assert that government would have recovered its dignity, but at least our gracious Sovereign must have spared his subjects this last insult*, which, if there be any feeling left

* The Duke was lately appointed Lord Privy Seal. AUTHOR. He succeeded Lord Suffolk who had just taken possession of the

among us, they will resent more than even the real injuries they received from every measure of your Grace's administration. In vain would he have looked round him for another character so consummate as yours. Lord Mansfield shrinks from his principles*;—his ideas of government perhaps go farther than your own, but his heart disgraces the theory of his understanding.—Charles Fox is yet in blossom; and as for Mr. Wedderburne, there is something about him, which even treachery cannot trust. For the present therefore, the best of Princes must have contented himself with Lord Sandwich.—You would long since have received your final dismission and reward; and I, my Lord, who do

the post of the home department, upon the resignation of the Earl of Halifax. EDIT.

* He refers to Lord Mansfield's call of the house upon the subject of the opinion of the judges, in consequence of the verdict of the jury upon Woodfall's trial—which embraced the question whether juries were judges of the fact alone, or of the law conjunctively. An important motion was expected, but his Lordship, as our author states it, *shrunk* from the principles he had advanced, and merely informed the house that he had left a paper with their clerk, containing the unanimous judgment of the court of King's Bench upon the verdict in question, and the doctrine it necessarily embraced; and that their Lordships were welcome to copies of it if they chose.

See the whole detailed together, with Lord Camden's counter paper in Editor's note, Vol. I. p. 14. See also Miscellaneous Letters, No. LXXXII. EDIT.

not esteem you the more for the high office you possess, would willingly have followed you to your retirement. There is surely something singularly benevolent in the character of our Sovereign. From the moment he ascended the throne, there is no crime, of which human nature is capable, (and I call upon the Recorder* to witness it) that has not appeared venial in his sight†. With any other Prince, the shameful desertion of him, in the midst of that distress, which you alone had created, —in the very crisis of danger, when he fancied he saw the throne already surrounded by men of virtue and abilities, would have outweighed the memory of your former services. But his Majesty is full of justice, and understands the doctrine of compensations. He remembers with gratitude how soon you had accommodated your morals to the necessities of his service;—how chearfully you had abandoned the engagements of private friendship, and renounced the most solemn professions to the public. The sacrifice of Lord Chatham was not lost upon him. Even the cowardice and perfidy of deserting him may

* The late Chief Justice Eyre was, at this time, Recorder of London. EDIT.

† The author here more particularly alludes to the pardon of M'Quirk and the Kennedy's. See Letter VIII. Vol. . p. 106. and note, p. 111. EDIT.

have done you no disservice in his esteem. The instance was painful, but the principle might please.

You did not neglect the magistrate, while you flattered the *man.* The expulsion of Mr. Wilkes predetermined in the cabinet;—the power of depriving the subject of his birthright, attributed to a resolution of one branch of the legislature;—the constitution impudently invaded by the House of Commons;—the right of defending it treacherously renounced by the House of Lords*:—These are the strokes, my Lord, which, in the present reign, recommend to office, and constitute a minister. They would have determined your Sovereign's judgment, if they had made no impression upon his heart. We need not look for any other species of merit to account for his taking the earliest opportunity to recall you to his councils. Yet you have other merit in abundance.—Mr. Hine,—the Duke of Portland,—and Mr. Yorke.—Breach of trust, robbery, and murder†. You would think it a

* See pages 140. et seq. of this vol.

† These points have all been noticed before—they relate to Hine's patent place; Inglewood-forest, &c. in Cumberland, granted to Sir James Lowther by the crown, although it had been in possession of the Duke of Portland's family for seventy years;—and the suicide of Charles Yorke, the lord chancellor, who shot himself from political chagrin, immediately after his appointment. EDIT.

compliment to your gallantry, if I added rape to the catalogue;—but the stile of your amours secures you from resistance. I know how well these several charges have been defended. In the first instance, the breach of trust is supposed to have been its own reward. Mr. Bradshaw affirms upon his honour, (and so may the gift of smiling never depart from him!) that you reserved no part of Mr. Hine's purchase-money for your own use, but that every shilling of it was scrupulously paid to governor Burgoyne.—Make haste, my Lord,—another patent, applied in time, may keep the OAKS* in the family.—If not, Birnham Wood, I fear, must come to the *Macaroni* †.

The Duke of Portland was in life your earliest friend. In defence of his property he had nothing to plead, but equity against Sir James Lowther, and prescription against the crown‡. You felt for your friend; *but the law must take its course.* Posterity will scarce believe that Lord Bute's son-in-law had barely interest

* A superb villa of Col. Burgoyne, about this time advertised for sale.

† The father of the present Mr. Christie who was the auctioneer employed to sell the estate. EDIT.

‡ Sir James Lowther was son-in-law to Lord Bute by the marriage of one of his daughters. EDIT.

enough at the treasury to get his grant completed before the general election*.

Enough has been said of that detestable transaction, which ended in the death of Mr. Yorke,—I cannot speak of it without horror and compassion. To excuse yourself, you publicly impeach your accomplice, and to *his* mind perhaps the accusation may be flattery. But in murder you are both principals. It was once a question of emulation, and if the event had not disappointed the immediate schemes of the closet, it might still have been a hopeful subject of jest and merriment between you.

This letter, my Lord, is only a preface to my future correspondence. The remainder of the summer shall be dedicated to your amusement. I mean now and then to relieve the severity of your morning studies, and to prepare you for the business of the day. Without pretending to more than Mr. Bradshaw's sincerity, you may rely upon my attachment as long as you are in office.

Will your Grace forgive me, if I venture to

* It will appear by a subsequent letter, that the Duke's precipitation, proved fatal to the grant. It looks like the hurry and confusion of a young highwayman, who takes a few shillings, but leaves the purse and watch behind him.—And yet the Duke was an old offender!

express some anxiety for a man, whom I know you do not love? My Lord Weymouth has cowardice to plead, and a desertion of a later date than your own. You know the privy seal was intended for him; and if you consider the dignity of the post he deserted, you will hardly think it decent to quarter him on Mr. Rigby. Yet he must have bread, my Lord;—or rather he must have wine*. If you deny him the cup, there will be no keeping him within the pale of the ministry.

JUNIUS.

LETTER L.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, 9 *July*, 1771.

THE influence of your Grace's fortune still seems to preside over the treasury.—The genius of Mr. Bradshaw inspires Mr. Robinson†.

* Lord Weymouth, upon deserting the ministry, was succeeded in the foreign department by the Earl of Rochford. The former nobleman resigned Dec. 19, 1770, and the Duke of Grafton on the preceding 28th of January. Lord W—'s attachment to the bottle furnishes the ground for the imagery with which the letter concludes. EDIT.

† By an intercepted letter from the Secretary of the Treasury it appeared, *that the friends of government were to be very active* in supporting the ministerial nomination of sheriffs. AUTHOR.

Robinson was now treasury secretary, and filled the same

post

How remarkable it is, (and I speak of it not as matter of reproach, but as something peculiar to your character) that you have never yet formed a friendship, which has not been fatal to the object of it, nor adopted a cause, to which, one way or other, you have not done mischief. Your attachment is infamy while it lasts, and which ever way it turns, leaves ruin and disgrace behind it. The deluded girl, who yields to such a profligate, even while he is constant, forfeits her reputation as well as her innocence, and finds herself abandoned at last to misery and shame.——Thus it happened with the best of Princes. Poor Dingley too*!—I protest I hardly know which of them we ought most to lament;—The unhappy man who sinks under the sense of his dishonour, or him who survives it. Characters, so finished, are placed beyond the reach of panegyric. Death has fixed his seal upon Dingley, and you, my Lord, have set your mark upon the other.

The only letter I ever addressed to the King,

post of confidential agent to Lord North, that Bradshaw had before filled to the Duke of Grafton. EDIT.

* Dingley was now just dead: and our author insinuates that he died of a broken heart in consequence of having been so contemptuously treated at the preceding election for Middlesex; in which, as already observed, Vol. I. p. 117, he had offered himself a candidate at the request of the Duke of Grafton, but could not obtain even a nomination. EDIT.

was so unkindly received, that I believe I shall never presume to trouble his Majesty, in that way, again. But my zeal for his service is superior to neglect, and like Mr. Wilkes's patriotism, thrives by persecution. Yet his Majesty is much addicted to useful reading, and, if I am not ill-informed, has honoured the *Public Advertiser* with particular attention. I have endeavoured therefore, and not without success, (as perhaps you may remember) to furnish it with such interesting and edifying intelligence, as probably would not reach him through any other channel. The services you have done the nation,—your integrity in office, and signal fidelity to your approved good master, have been faithfully recorded. Nor have his own virtues been entirely neglected. These letters, my Lord, are read in other countries and in other languages; and I think I may affirm without vanity, that the gracious character of the best of Princes is by this time not only perfectly known to his subjects, but tolerably well understood by the rest of Europe. In this respect alone, I have the advantage of Mr. Whitehead*. His plan, I think, is too narrow. He seems to manufacture his verses for the sole use of the hero, who is supposed to be the subject of them,

* Poet-Laureat of the day. EDIT

and, that his meaning may not be exported in foreign bottoms, sets all translation at defiance.

Your Grace's re-appointment to a seat in the cabinet was announced to the public by the ominous return of Lord Bute to this country*. When that noxious planet approaches England, he never fails to bring plague and pestilence along with him. The King already feels the malignant effect of your influence over his councils. Your former administration made Mr. Wilkes an Alderman of London, and Representative of Middlesex. Your next appearance in office is marked with his election to the shrievalty. In whatever measure you are concerned, you are not only disappointed of success, but always contrive to make the government of the best of Princes contemptible in his own eyes, and ridiculous to the whole world. Making all due allowance for the effect of the minister's declared interposition, Mr. Robinson's activity†,

* From the continent, over a part of which he had been for some time travelling. EDIT.

† JUNIUS was charged by the writers of the day, as well as by a more recent opponent, with having "debased his pretensions to greatness by engaging unsuccessfully *in city politics.*" He however, does not appear to have been the only unsuccessful politician who had plunged into the mire of metropolitan politics, as the following letter from that celebrated character Jack Robinson, will evince. It was written during the election of sheriffs of London, and is that alluded to in the note to p. 249.

"Mr.

and Mr. Horne's new zeal in support of administration*, we still want the genius of the Duke of Grafton to account for committing the whole interest of government in the city, to the conduct of Mr. Harley. I will not bear hard upon your faithful friend and emissary Mr. Touchet,

"Mr. Robinson presents his compliments to Mr. Smith. Mr. Harley meets his ward publicly to day, to support Aldermen Plumbe and Kirkman. The friends of government will be very active, and it is earnestly desired that you will exert yourself to the utmost of your power to support those aldermen. It is thought it will be very advantageous to push the poll to day with as many friends as possible, therefore it is desired that you will pursue that conduct. Mr. Harley will be early in the city to day, and to be heard of at his counting-house in Bridge-yard, Bucklersbury, and if you, or such person as you intrust in this matter, could see him to consult thereon, it might be beneficial to the cause.

"Tuesday Morning, 25th June, 1771, six o'clock.

"To Benj. Smith, Esq."

"J. Robinson."

This letter, intended for Mr. Benjamin Smith, the partner of Mr. Alderman Nash, of Cannon-street, was, through the mistake of the messenger, delivered to Mr. Smith of Budge-row, who published it, together with an affidavit as to its verity, which had such an effect on the election, that Mr. Bull, who at the time was fourth on the poll, was ultimately returned as one of the sheriffs of London, in conjunction with Mr. Wilkes, another of the candidates for that important office. EDIT.

* Horne had long zealously fought on the side of the staunchest Whigs, and was an active member of the society for

for I know the difficulties of his situation, and that a few lottery tickets are of use to his œconomy. There is a proverb concerning persons in the predicament of this gentleman, which however cannot be strictly applied to him. *They commence dupes, and finish knaves.* Now Mr. Touchet's character is uniform. I am convinced that his sentiments never depended upon his circumstances, and that, in the most prosperous state of his fortune, he was always the very man he is at present.—But was there no other person of rank and consequence in the city,

for the support of the Bill of Rights which had just discharged Wilkes's debts. Alderman Oliver, who had also been as zealous an advocate on the same side, and had suffered himself to be committed with the Lord Mayor to the Tower, in support of his principles, for some reason or other became at this time jealous of the popularity of Wilkes, affected to rival him, and refused to serve in the office of sheriff, if Wilkes were allowed to be his colleague. Horne joined with Townshend, and the society for the support of the Bill of Rights became divided into two grand parties.

Wilkes united with Alderman Bull in proposing himself for the shrievalty, and in the contest that ensued between them with Oliver, Kirkman, and Plumbe, obtained a large majority both for himself and his colleague, leaving Oliver, though supported by all the efforts of Horne, the lowest on the poll.

It was in consequence of the conduct thus pursued by Horne, and which was fatal to the popular cause, that JUNIUS chose to represent him as bribed by the ministry. EDIT.

whom government could confide in, but a notorious Jacobite? Did you imagine that the whole body of the Dissenters*, that the whole Whig-interest of London would attend at the levee, and submit to the directions of a notorious Jacobite? Was there no Whig magistrate in the city, to whom the servants of George the third could intrust the management of a business, so very interesting to their master as the election of sheriffs? Is there no room at St. James's but for Scotchmen and Jacobites? My Lord, I do not mean to question the sincerity of Mr. Harley's attachment to his Majesty's government. Since the commencement of the present reign, I have seen still greater contradictions reconciled. The principles of these worthy Jacobites, are not so absurd as they have been represented. Their ideas of divine right are not so much annexed to the person or family, as to the political character of the Sovereign. Had there ever been an honest man among the *Stuarts*, his Majesty's present friends would have been Whigs upon principle. But the conversion of the best of Princes has removed their scruples. They have forgiven him the sins of his Hanoverian ancestors, and acknowledge the hand of Providence in the descent of the crown upon the

* The family of the Harleys were originally dissenters, and the allusion is to this fact. EDIT.

head of a true *Stuart*. In you, my Lord, they also behold, with a kind of predilection, which borders upon loyalty, the natural representative of that illustrious family. The mode of your descent from Charles the second is only a bar to your pretensions to the crown, and no way interrupts the regularity of your succession to all the virtues of the *Stuarts*.

The unfortunate success of the reverend Mr. Horne's endeavours, in support of the ministerial nomination of sheriffs, will I fear obstruct his preferment. Permit me to recommend him to your Grace's protection. You will find him copiously gifted with those qualities of the heart, which usually direct you in the choice of your friendships. He too was Mr. Wilkes's friend, and as incapable as you are of the liberal resentment of a gentleman. No, my Lord,— it was the solitary, vindictive malice of a monk, brooding over the infirmities of his friend, until he thought they quickened into public life; and feasting with a rancorous rapture, upon the sordid catalogue of his distresses*. Now, let him go back to his cloister. The church is a proper retreat for him. In his principles he is already a Bishop.

The mention of this man has moved me

* See Editor's note to Letter LII. EDIT.

from my natural moderation. Let me return to your Grace. You are the pillow, upon which I am determined to rest all my resentments. What idea can the best of Sovereigns form to himself of his own government?—in what repute can he conceive that he stands with his people, when he sees, beyond the possibility of a doubt, that, whatever be the office, the suspicion of his favour is fatal to the candidate, and that, when the party he wishes well to has the fairest prospect of success, if his royal inclination should unfortunately be discovered, it drops like an acid, and turns the election. This event, among others, may perhaps contribute to open his Majesty's eyes to his real honour and interest. In spite of all your Grace's ingenuity, he may at last perceive the inconvenience of selecting, with such a curious felicity, every villain in the nation to fill the various departments of his government. Yet I should be sorry to confine him in the choice either of his footmen or his friends.

JUNIUS

LETTER LI.

FROM THE REVEREND MR. HORNE TO JUNIUS.

SIR, 13 *July,* 1771.

Farce, *Comedy*, and *Tragedy*,—*Wilkes*, *Foote*, and *Junius**, united at the same time, against one poor Parson, are fearful odds. The two former are only labouring in their vocation, and may equally plead in excuse, that their aim is a livelihood. I admit the plea for the *second*; his is an honest calling, and my clothes were lawful game; but I cannot so readily approve Mr. Wilkes, or commend him for making patriotism a trade, and a fraudulent trade. But what shall I say to Junius? the grave, the solemn, the didactic! ridicule, indeed, has been ridiculously called the test of truth; but surely to confess that you lose your *natural moderation* when mention is made of the man, does not promise much truth or justice when you speak of him yourself.

You charge me with "a new zeal in support of administration," and with "endeavours in

* Foote, availing himself of the growing unpopularity of Mr. Horne at the present moment, had ventured to caricature him on the stage. While therefore Mr. Horne pretends to tremble beneath the *comic* efforts of Foote and the *tragic* efforts of Junius, he still wishes the world to regard Wilkes's opposition to him as a mere *farce*. EDIT.

support of the ministerial nomination of Sheriffs." The reputation which your talents have deservedly gained to the signature of JUNIUS, draws from me a reply, which I disdained to give to the anonymous lies of Mr. Wilkes. You make frequent use of the word *Gentleman;* I only call myself a *Man*, and desire no other distinction: if you are either, you are bound to make good your charges, or to confess that you have done me a hasty injustice upon no authority.

I put the matter fairly to issue.—I say, that so far from any new "zeal in support of administration," I am possessed with the utmost abhorrence of their measures: and that I have ever shewn myself, and am still ready, in any rational manner, to lay down all I have—my life, in opposition to those measures. I say, that I have not, and never have had any communication or connexion of any kind, directly or indirectly, with any courtier or ministerial man, or any of their adherents: that I never have received, or solicited, or expected, or desired, or do now hope for, any reward of any sort, from any party or set of men in administration or opposition; I say, that I never used any "endeavours in support of the ministerial nomination of Sheriffs." That I did not solicit any one liveryman for his vote for any one of the candidates; nor employ any other person

to solicit: and that I did not write one single line or word in favour of Messrs. Plumbe and Kirkman*, whom I understand to have been supported by the ministry.——

You are bound to refute what I here advance, or to lose your credit for veracity: You must produce facts; surmise and general abuse, in however elegant language, ought not to pass for proofs. You have every advantage, and I have every disadvantage: you are unknown, I give my name: all parties, both in and out of administration, have their reasons (which I shall relate hereafter) for uniting in their wishes against me: and the popular prejudice is as strongly in your favour, as it is violent against the Parson†.

* Plumbe and Kirkman were the real government candidates for the shrievalty. Oliver stood alone. Yet JUNIUS, availing himself of this last gentleman's opposition to Wilkes, was shrewdly desirous of impressing on the world an idea that they had all been supported by government with a view of throwing out Wilkes and his avowed colleague Bull. EDIT.

† This paragraph Mr. Horne was accused of borrowing from Mr. Hugh Kelly, author of False Delicacy, and several other dramatic pieces, as will appear from the following letter addressed to that gentleman:—

For the Public Advertiser.

TO THE REV. MR. HORNE.

SIR, *July 20th*, 1771.

HAPPENING to be at a distance from London, your letter to JUNIUS did not fall into my hands till yesterday, when I confess I read it with equal astonishment and indignation; and though it may be inconsistent with the generosity of

an

Singular as my present situation is, it is neither painful, nor was it unforeseen. He is not fit for public business who does not even at his entrance prepare his mind for such an

an Englishman to strike the *fallen*, there is something so peculiarly unmanly in your conduct, that it is impossible to let you escape without some memorandums of your judgment when the case *is*, and when the case *is not* your own.

Do you remember, Sir, Friday, April 30, 1771, when you harangued the freeholders of Middlesex for three tedious hours at the assembly room at Mile-End; when you urged random accusations yourself against others for their supposed connection with government; when you particularly attacked Mr. Kelly as the immediate champion of administration, and affirmed with great pathos that he was employed at the soldier's trial at Guildford to vindicate the wanton effusion of innocent blood.

I have no connection with Mr. Kelly, Sir, nor do I by any means profess myself of his political faith: But if fame says true, he has been no apostate to his principles; has betrayed no friendship; and I introduce him solely here, that the world may see how conformable the tenor of Mr. Horne's conduct is to the candour of his professions. The following, Sir, is your speech relative to the Guildford affair:

" It is necessary to give you an account of Maclean's trial, because the judge forbad its being taken down by any one *except it was government*—It has never been published—A very false account of this trial has indeed been published by Mr. Kelly, who was *paid* and *brought* down to Guildford for that *purpose*, and who had lodgings taken for him there, and who was familiarly conversant with a gentleman, whose name I shall not mention now, lest it should seem to proceed from resentment in me, for an account I have to settle with him next week: However, one circumstance I ought to tell you: This gentleman was foreman of the grand jury."

Mr. Kelly,

event. Health, fortune, tranquility, and private connexions I have sacrificed upon the altar of the public; and the only return I receive, because I will not concur to dupe and mislead a senseless multitude, is barely, that they have not yet torn me in pieces. That this has been

Mr. Kelly, in the address prefixed to his play, which you and other advocates for the *freedom* of the press so basely drove from the theatre, after saying some civil things relative to the character which he had heard of your disposition, and which your perfidy to that true friend of the constitution, Mr. Wilkes, has clearly proved you never merited, thus expresses himself:

"But though Mr. Kelly readily makes this concession in favour of Mr. Horne's private character, he must observe that the constitution of this country, for the purity of which Mr. Horne is so strenuous an advocate, does not allow the mere *belief* of any man to be *positive* evidence; nor compliment his simple *conjecture* with the force of a *fact*—For this reason Mr. Horne should be extremely cautious how he asserts any thing to the prejudice of another's reputation: *Hearsay* authority is not enough for this purpose; he should know of his own *knowledge* what he asserts upon his own *word*; and be certain in his *proof* where he is peremptory in his *accusation*."

Honestly now, Mr. Horne, had you not this paragraph either in your head, or your heart, at the time you were writing the following passage to JUNIUS?

"You are bound to *refute*," &c.

I am,

Reverend Sir,

Your humble Servant,

WHIPCORD.

To this letter Mr. Horne did not return any answer. EDIT.

the only return, is my pride; and a source of more real satisfaction than honours or prosperity. I can practise before I am old, the lessons I learned in my youth; nor shall I ever forget the words of my ancient Monitor,

"'Tis the last key-stone
That makes the arch: the rest that there were put,
Are nothing till that comes to bind and shut.
Then stands it a triumphal mark! then men
Observe the strength, the height, the why and when
It was erected; and still walking under,
Meet some new matter to look up and wonder!"

I am, Sir,

Your humble Servant,

JOHN HORNE.

LETTER LII.

TO THE REVEREND MR. HORNE.

SIR, 24 *July*, 1771.

I CANNOT descend to an altercation with you in the news-papers. But since I have attacked your character, and you complain of injustice, I think you have some right to an explanation. You defy me to prove, that you ever solicited a vote, or wrote a word in support

of the ministerial aldermen. Sir, I did never suspect you of such gross folly. It would have been impossible for Mr. Horne to have solicited votes, and very difficult to have written for the news-papers in defence of that cause, without being detected and brought to shame. Neither do I pretend to any intelligence concerning you, or to know more of your conduct, than you yourself have thought proper to communicate to the public. It is from your own letters I conclude that you have sold yourself to the ministry*: or, if that charge be too severe, and supposing it possible to be deceived by appearances so very strongly against you, what are your friends to say in your defence? must they not confess that, to gratify your personal hatred of Mr. Wilkes, you sacrificed, as far as depended upon *your* interest and abilities, the cause of the country? I can make allowance for the violence of the passions, and if ever I should be convinced that you had no motive but to destroy Wilkes, I shall then be ready to do justice to your character, and to declare to the world, that I despise you somewhat less than I do at present.—But as a public man, I must for ever condemn you. You cannot but know,—nay,

* The Letters written by Mr. Horne in the dispute with Mr. Wilkes. See the subsequent note as well as one appended to Private Letter, No. 35. EDIT.

you dare not pretend to be ignorant, that the highest gratification of which the most detestable in this nation is capable, would have been the defeat of Wilkes. I know *that man* much better than any of you. Nature intended him only for a good-humoured fool. A systematical education, with long practice, has made him a consummate hypocrite. Yet this man, to say nothing of his worthy ministers, you have most assiduously laboured to gratify. To exclude Wilkes, it was not necessary you should solicit votes for his opponents. We incline the balance as effectually by lessening the weight in one scale, as by increasing it in the other.

The mode of your attack upon Wilkes (though I am far from thinking meanly of your abilities) convinces me, that you either want judgment extremely, or that you are blinded by your resentment. You ought to have foreseen, that the charges you urged against Wilkes could never do him any mischief. After all, when we expected discoveries highly interesting to the community, what a pitiful detail did it end in! —Some old clothes—a Welsh pony—a French footman, and a hamper of claret*. Indeed Mr.

* The fact here alluded to was this:—The late Mr. Tooke, then Mr. Horne, while travelling on the continent was introduced to Mr. Wilkes, at that time resident in Paris, which led to a subsequent intimacy, and apparently warm friendship. Mr.

Horne, the public should, and *will* forgive him his claret and his footmen, and even the ambition of making his brother chamberlain of London, as long as he stands forth against a ministry and

Mr. Horne, on leaving that gay metropolis, left behind him, in the care of Mr. Wilkes, several suits of clothes of the most fashionable Parisian manufacture, being ill adapted to the clerical profession, as well as ill calculated to please the taste or suit the manners of the people of this country. In a subsequent political quarrel between these gentlemen, which took place shortly previous to the date of this letter, and which was the subject of a long and acrimonious altercation in the Public Advertiser, Mr. Horne, among other charges which he preferred against Mr. Wilkes, accused him of having, in the midst of his distress, pawned the clothes entrusted to his custody; with commissioning Mr. H.'s brother-in-law to purchase a pony which he never paid for; with drinking claret while detained in the King's Bench prison; with endeavouring to make his brother chamberlain of London; and with retaining in his service six domestics, three of whom were French. As these, with several other charges were detailed to the public by Mr. Horne in thirteen or fourteen very long letters, the editor will not here transcribe them, but content himself with inserting several detached parts of Mr. Wilkes's defence against these accusations, as they contain some curious facts, and are illustrative of the subject more particularly adverted to in the text by the author:

For the Public Advertiser.

TO THE REV. MR. HORNE.

SIR, *Prince's Court, Saturday, May* 18.

YOUR *first* letter of May 14, told me that you "blamed my public conduct," and "would not open any account with me on the score of private character." A *third* letter

parliament, who are doing every thing they can to enslave the country, and as long as he is a thorn in the King's side. You will not suspect me of setting up *Wilkes* for a perfect character.

letter is this day addressed to me. Not a word hitherto "of my public conduct," but many false and malignant attacks about Mr. Wildman, your brother-in-law, who formerly kept the Bedford Head in Southampton Street, Covent Garden, and your *old clothes.* The public will impute the impertinence of such a dispute to its author, and pardon my calling their attention for a few moments to scenes of so trifling a nature, because it is in justification of an innocent man.

When you left Paris in May 1767, you desired me to take care of your *old clothes,* for you meant to return in a few months, and they could be of no use to you in England. The morning of your departure you sent me the following letter.

Dear Sir,

According to your permission I leave with you

1 Suit of scarlet and gold } cloth.
1 Suit of white and silver }
1 Suit of blue and silver——camblet
1 Suit of flowered silk
1 Suit of black silk
And 1 Black velvet surtout.

If you have any fellow-feeling you cannot but be kind to them; since they too as well as yourself are outlawed in England; and on the same account—their superior worth.

I am,

Dear Sir,

Your very affectionate,

humble Servant,

JOHN HORNE.

Paris, May 25, 1767.

This

The question to the public, is, where shall we find a man, who, with purer principles, will go the lengths, and run the hazards that he has done? the season calls for such a man, and he

This letter I returned to you at the King's Bench, and at the bottom of it the following memorandum in my own handwriting, "Nov. 21, 1767, sent to Mr Panchaud's in the Rue St. Sauveur." I left Paris Nov. 22, 1767, and therefore thought it proper the day before to send your clothes *where* I was sure they would be perfectly safe, to Mr. Panchaud's, the great English banker's. They remained in my house, Rue des Saints Peres, only from May till the November following, nor was any demand, or request, made to me about them by Mr. Wildman, or any one else. You are forced to own "I have received a letter within the last three months from Mr. Panchaud, informing me that they *(the clothes)* have *long* been in his possession." Examine the banker's books. You will find the date is Nov. 21, 1767. You say, "for my own part I never made the least inquiry after my clothes." I suppose for the plainest reason in the world. You knew where they were, and that they could be no part of a clergyman's dress in England, but that you were sure of so *rich a wardrobe* on your next tour to France or Italy, as Paris would probably be your route. This is all I know of the *Vestimenta pretiosa* of *Eutrapelus.* I hope, Sir, the putting them on will not have the same effect on you as they formerly had on his acquaintance.

Cum *pulcris tunicis* sumet nova consilia et spes;
Dormiet in lucem; *scorto* postponet honestum
Officium; *nummos alienos pascet.*

Your charge about your brother-in-law Mr. Wildman is equally unjust. When I was in England in October 1766, I lodged at Mr. Wildman's house in Argyle Buildings, on his own most pressing invitation. I had long known him, and for

several

ought to be supported. What would have been the triumph of that odious hypocrite and his minions, if *Wilkes* had been defeated! It was not *your* fault, reverend Sir, that he did not en-

several years belonged to a club, which met once a week at the Bedford Head. Mr. Wildman desired to be considered at this time as the warm partisan of Mr. Wilkes. He begged that he might be useful as far as he could to me and my friends. I asked him to buy a little Welch horse for a lady in France, to whom I was desirous of paying a compliment. I fixed the price, and insisted on paying him at that very time, which I did. About a year afterwards Mr. Wildman fulfilled my commission, purchased me a Welch Pony, and sent it to Calais. This was the single transaction of my own with your brother-in-law at that time. I gave him two or three trifling commissions from Monsieur *Saint Foy* for arrack, &c. which were to be forwarded to Paris. I believe they were sent, but they never passed through my hands, nor do I know whether Mr. Wildman has yet been paid for those trifles, the whole of which amounted only, as he told me, to about thirty pounds.

Your endeavours to create a coolness between Mr. Cotes and me are clearly seen through, and will prove ineffectual. You made the same attempt on the late Mr. Sterne and me with the same success. In your letter to me at Paris, dated Jan. 3, 1766, you say, " I passed a week with Sterne at Lyons, and am to meet him again at Sienna in the summer—Forgive my question, and do not answer it, if it is impertinent. Is there any cause of coldness between you and Sterne; he speaks very handsomely of you, when it is absolutely necessary to speak at all; but not with that *warmth and enthusiasm*, that I expect from every one that knows you. Do not let me cause a coldness between you if there is none. I am sensible my question is at least imprudent, and my jealousy blameable."

In your second letter you say, " the nature of our *inter-course,*

joy it completely.—But now I promise you, you have so little power to do mischief, that I much question whether the ministry will adhere to the promises they have made you. It will be in vain

course, for it cannot be called a *connection*," and afterwards "in my return from Italy to England in the year 1767, I saw reasons sufficient *never more to trust you with a single line*;" and in your third letter you pretend that you had even in 1767 "infinite contempt for the very name of Mr. Wilkes." However, on the 17th of last May, you write me another letter on my going to Fulham, while my house here was repairing, to recommend *six* tradesmen to me, to tell me how *most sincerely* you were mine, &c. You add, "I could not forbear shewing my *friendship* to you by letting you know your friends." You will find, Sir, that it requires more memory as well as wit than falls to one man's share to support a long chain of falsehoods. You are lost and bewildered in the intricacies of error. The path of truth you would find more easy and honourable.

You assert, "I found that all the private letters of your friends were regularly pasted in a book, and read over indiscriminately, not only to your friends and acquaintance, but to every visitor." I glory, Sir, in having four large volumes of manuscript letters, many of them written by the first men of this age. I esteem them my most valuable possession. Why is the pleasure of an elegant and instructive epistle to perish with the hour it is received? To the care and attention of Cicero's friends in preserving that great Roman's letters we owe the best history of Rome for a most interesting period of about forty years. You mistake when you talk of *all the private letters of your friends*. My care has extended only to letters of particular friends on particular occasions, or to letters of business, taste, or literature. The originals of such I have preserved; never any copies of my own letters, unless when I wrote

to say that *I* am a partisan of Mr. Wilkes, or personally *your* enemy. You will convince no man, for you do not believe it yourself. Yet, I confess, I am a little offended at the low rate, at

wrote to a Secretary of State, to a Talbot, a Martin, or a Horne. When you add, "that they are read over indiscriminately, not only to your friends, and acquaintance, but to every visitor," you knowingly advance a falsehood. So much of your time has passed with me, that you are sensible very few of my friends have ever heard of the volumes I mentioned. The preservation of a letter is surely a compliment to the writer. But although I approve the preservation, in general I highly disapprove the publication of any private letters. However there are cases which justly call them forth to light. Mr. Onslow's first letter was after great importunity from you printed by me, to justify what you had said at Epsom. The second you printed, without my consent, from a copy I suffered you to take.

The *pamphlet* you mention has *not yet been published.* I have now before me the copy, corrected with your own hand, which you gave me at Paris. The following passage I am sure you will read at this time with particular satisfaction, and I reserve it for you *pour la bonne bouche.*

"We have seen, by *Mr. Wilkes's* treatment, that no man who is not, and who has not always been, absolutely perfect himself, must dare to arraign the measures of a minister.

"It is not sufficient that he pay an inviolable regard to the laws; that he be a man of the strictest and most unimpeached honour; that he be endowed with superior abilities and qualifications; that he be blessed with a benevolent, generous, noble, free soul; that he be inflexible, incorruptible, and brave; that he prefer infinitely the public welfare to his own interest, peace, and safety; that his life be ever in his hand, ready

which you seem to value my understanding. I beg, Mr. Horne, you will hereafter believe that I measure the integrity of men, by their conduct, not by their professions. Such tales may

ready to be paid down chearfully for the liberty of his country; and that he be dauntless and unwearied in her service.—All this avails him nothing.

" If it can be proved (though by the base means of *treachery* and *theft*) that in some unguarded, wanton hour he has uttered an indecent word, or penned a loose expression——Away with such a fellow from the earth;——it is not fit that he should live."

* * * * * *

After a variety of accusations of *private* crimes you affect to cover the whole with the veil of *hypocrisy*. You say, " I have mentioned these circumstances not as any charges against you, though no doubt they will operate as such." Had your turn, Sir, been to divinity, in the subtleties of the schools you would have outshone Thomas Aquinas or Duns Scotus, in treachery even the priest *Malagrida*.

You have in your late letters to me accused me of almost *every crime*, of which the most diabolical heart is capable. When you wrote the letters to Sir William Beauchamp Proctor, I had only *one crime*, of which I own I have not repented. " *Mr. Wilkes's crime* is well known to have been his opposing and exposing the measures of *Lord Bute*.

" The two Humes, Johnson, Murphy, Ralph, Smollet, Shebbeare, &c. &c. all authors pensioned, or promised, had been let loose on him in vain. The Lord Steward of his Majesty's household, (who has *therefore* continued in that post through every revolution of ministry) and the treasurer to the Princess Dowager of Wales, (who together with that office has a pension for himself and a reversion for his son) had separately endeavoured

entertain Mr. Oliver, or your grandmother, but trust me, they are thrown away upon JUNIUS.

You say you are a *man*. Was it generous, was it manly, repeatedly to introduce into a

endeavoured to commit a murder on his body, with as little success as *others had attempted his reputation*: For they found him *tam Marte quam Mercurio*.

" The intended assassination of him by *Forbes* and *Dun* had miscarried.

" The Secretaries of State had seized his papers, and confined his person to close imprisonment. They had trifled with and eluded the Habeas Corpus. But still *he rose superior to them all, and baffled alone the insatiable malice of all his persecutors*; for though they had in a manner ruined his private fortunes, *his public character remained entire*. They had spilt his blood indeed; but they had not taken his life, and with it still were left

The unconquerable mind, and freedom's holy flame.

It remained then to make one general attack upon him at once of every power of the state, each in its separate capacity. The reverend name of Majesty itself was misapplied to this business. The House of Lords, the House of Commons, and the Court of King's Bench, through the little agency of Carrington, Kidgell, Curry, Webb, Faden, Sandwich, made one general assault."

* * * * * *

As you mention a promise you had obtained of being one of the *chaplains to his Majesty*, I shall conclude my present extracts with the following passage, which will shew how peculiarly fitted you are to be a *domestic chaplain* to our *present Sovereign*.

" Sheridan is at Blois, *by order of his Majesty*, and with a pension; inventing a method to give the proper pronunciation

 of

news-paper, the name of a young lady*, with whom you must heretofore have lived on terms of politeness and good-humour?—but I have

* Horne had taken liberties with the name of Miss Wilkes in his public letters in some of the news-papers—and liberties which no misconduct of hers had entitled him to take. EDIT.

of the English language to strangers, by means of sounds borrowed from their own. And he begins with the French.

" I remember a few years ago when an attempt was made to prove Lord Harborough an *ideot.* The counsel on both sides produced the same instance; one of his wit, the other of his folly. His servants were puzzled once to unpack a large box, and his lordship advised them to do with it as they did with oysters—put it in the fire, and it would gape.

" This commission of Sheridan appears to me equally equivocal. And should *a similar statute be at any time attempted against his Majesty,* they who do not know him may be apt to suspect that he employed Sheridan in this manner, not so much for the sake of foreigners as of his own subjects; and had permitted him to amuse himself abroad, to prevent his spoiling our pronunciation at home."

* * * * * *

Am I to answer your impertinence about claret and French servants? It shall be in one word. I have not purchased a bottle of claret since I left the King's Bench. Only two French servants are in my family. An old woman, who has many years attended my daughter, and a footman, whom I esteem, as I have often told you, not as a Frenchman, but for his *singular fidelity* to an Englishman during a course of several years, when I had the honour of being exiled. I have reason to believe that from hence originated your hatred to him.

* * * * * *

You

done with you. In *my* opinion, your credit is irrecoverably ruined. Mr. *Townshend*, I think is nearly in the same predicament.—Poor *Oliver* has been shamefully duped by you. You have

You assert, "though I knew not the person of any one man in opposition, I quitted all my friends and connections when I joined the public cause; and with my eyes open, exchanged ease and fair fame for labour and reproach." I desire to know what one friend, and what single connection, you have quitted for the public cause. Your *fair fame* at Eton and Cambridge survived a very short time your abode at either of these places. Will you call an Italian gentleman now in town, your confident during your whole residence at *Genoa*, to testify the morality of your conduct in Italy?—But I will not write the life of Jonathan Wild, nor of Orator Henley.

You declare "*ministerial and court favour* I know I can never have, and for *public favour* I will never be a candidate: I chuse to tell them that, as far as it effects myself, *I laugh at the displeasure of both.*" You well know that no minister will ever dare *openly* to give you any mark of *court favour*, at least in the *church*; many *secret favours* you may, you do expect, and some I believe actually receive. The *public* you have abandoned in despair, after an assiduous courtship of near four years, but remember, Sir, when you say, that *you laugh at their displeasure,* the force of truth has extorted even from Lord Mansfield the following declaration, "the people are almost always in the right: The great may sometimes be in the wrong, but the body of the people are always in the right."

* * * * * *

In your *first* letter you declare "it is necessary to give a short history of the *commencement*, progress, and conclusion of the intercourse between us." In your *second* you say the nature

made him sacrifice all the honour he got by his imprisonment.—As for Mr. *Sawbridge**, whose character I really respect; I am astonished he does not see through your duplicity. Never was so base a design so poorly conducted.—This letter, you see, is not intended for the

* Town-hend and Sawbridge had been persuaded by Horne to unite in supporting Oliver against Wilkes; and both, in consequence hereof, forfeited much of their popularity from this moment, and were accused of gross want of understanding, and by some of tergiversation. EDIT.

of our intercourse (for it cannot be called a connection) will best appear from the *situation* of each of us at its *commencement*." Your *situation* shall be explained by yourself from the words of the first letter you ever wrote to me.

" You are entering into a correspondence with a *parson*, and I am a little apprehensive lest that title should disgust you: But give me leave to assure you I am not ordained a hypocrite.

" It is true I have suffered the infectious hand of a bishop to be waved over me; whose imposition, like the sop given to Judas, is only a signal for the devil to enter. It is true that usually at that touch——fugiunt pudor, verumque, fidesque. In quorum subeunt locum fraudes, dolique, insidiæque, &c. &c. but I hope I have escaped the contagion: And if I have not, if you should at any time discover the BLACK spot under the tongue, assist me kindly to conquer the prejudices of education and profession."

I am, Sir,

Your humble servant,

EDIT. JOHN WILKES.

public, but if you think it will do you any service, you are at liberty to publish it.

JUNIUS.

*** This letter was transmitted privately by the printer to Mr. Horne, by JUNIUS's request. Mr. Horne returned it to the printer, with directions to publish it. AUTHOR.

The reason for such private transmission was, that it was not JUNIUS's wish to increase those divisions which Horne and Oliver had so unwisely provoked in the Bill of Rights Society, by an open contest between himself and any one of its members. EDIT.

LETTER LIII.

FROM THE REVEREND MR. HORNE TO JUNIUS.

SIR, 31 *July*, 1771.

You have disappointed me. When I told you that surmise and general abuse, in however elegant language, ought not to pass for proofs, I evidently hinted at the reply which I expected: but you have dropped your usual elegance, and seem willing to try what will be the effect of surmise and general abuse in very coarse language. Your answer to my letter (which I hope was cool and temperate and modest) has convinced me that my idea of a *man* is much superior to yours of a *gentleman*. Of your former letters I have always said *materiem superabat opus*: I do not think so of the present; the principles are more detestable than the expressions are mean and illiberal. I am contented that all those who adopt the one should for ever load me with the other.

I appeal to the common-sense of the public, to which I have ever directed myself: I believe they have it, though I am sometimes half-inclined to suspect that Mr. Wilkes has formed a truer judgment of mankind than I have. However of this I am sure, that there is nothing else upon which to place a steady reliance. Trick, and low cunning, and addressing their prejudices and passions, may be the fittest means to carry a particular point; but if they have not common-sense, there is no prospect of gaining for them any real permanent good. The same passions which have been artfully used by an honest man for their advantage, may be more artfully employed by a dishonest man for their destruction. I desire them to apply their common-sense to this letter of JUNIUS, not for my sake, but their own; it concerns them most nearly, for the principles it contains lead to disgrace and ruin, and are inconsistent with every notion of civil society.

The charges which JUNIUS has brought against me are made ridiculous by his own inconsistency and self-contradiction. He charges me positively with "a new zeal in support of administration;" and with "endeavours in support of the ministerial nomination of Sheriffs." And he assigns two inconsistent motives for my conduct: either that I have "*sold* myself to the ministry;" or am instigated "by the solitary, vindictive *malice*

of a monk:" either that I am influenced by a sordid desire of *gain;* or am hurried on by "personal *hatred* and blinded by *resentment.*" In his letter to the Duke of Grafton he supposes me actuated by both: in his letter to me he at first doubts which of the two, whether interest, or revenge is my motive: however, at last he determines for the former, and again positively asserts that "the ministry have made me promises;" yet he produces no instance of corruption, nor pretends to have any intelligence of a ministerial connection: he mentions no *cause* of personal hatred to Mr. Wilkes, nor any *reason* for my resentment, or revenge; nor has Mr. Wilkes himself ever hinted any, though repeatedly pressed *. When JUNIUS is called upon to justify

* In one of the letters addressed to Mr. Wilkes by Mr. Horne, during the altercation spoken of in the preceding notes, he, the latter, thus explains himself with respect to his support of the former, as well as to the motives which induced him to withdraw it. In this extract he also gives us a general outline of his political opinions, from which he does not appear to have materially varied to the day of his death. "I was your friend only for the sake of the public cause: that reason does in certain matters remain; as far as it remains, so far I am still your friend; and therefore I said in my first letter, 'the public should know how far they *ought*, and how far they *ought not* to support you.' To bring to punishment the great delinquents who have corrupted the parliament and the seats of justice; who have encouraged, pardoned, and rewarded murder: to heal the breaches made in the constitution, and by salutary provisions to prevent them for the future; to re-

place

his accusation, he answers, "he cannot descend to an altercation with me in the news-papers." JUNIUS, who *exists* only in the news-papers, who acknowledges "he has attacked my character" *there*, and "thinks I have some right to an *explanation*;" yet this JUNIUS "cannot descend to

place once more, not the *administration* and *execution*, for which they are very unfit, but the *checks* of government *really* in the hands of the governed;

"For these purposes, if it were possible to suppose that the great enemy of mankind could be rendered instrumental to their happiness, so far the devil himself should be supported by the people. For a human instrument they should go farther, he should not only be supported, but thanked and rewarded for the good which perhaps he did not intend, as an encouragement to others to follow his example. But if the foul fiend having gained their support, should endeavour to delude the weaker part, and intice them to an idolatrous worship of himself, by persuading them that what he suggested was their voice, and their voice the voice of God: if he should attempt to obstruct every thing that leads to their security and happiness, and to promote every wickedness that tends only to his own emolument: if when the—cause—the cause—reverberates on their ears, he should divert them from the original sound and direct them towards the opposite unfaithful echo: if confusion should be all his aim, and mischief his sole enjoyment, would not he act the part of a faithful monitor to the people, who should save them from their snares, by reminding them of the true object of their constitutional worship, expressed in those words of holy writ (for to me it is so) *Rex, Lex loquens; Lex, Rex mutus.* This is—the cause—the cause —To make this union indissoluble is the only cause I acknowledge. As far as the support of Mr. Wilkes tends to this point I am

an altercation in the news-papers!" and because he cannot descend to an altercation with me in the news-papers, he sends a letter of abuse by the printer, which he finishes with telling me—"I am at liberty to *publish* it." This, to be sure, is a most excellent method to avoid an altercation in the news-papers!

I am as warm as the warmest: But all the lines of your projects are drawn towards a different center—yourself; and if with a good intention I have been diligent to gain you powers which may be perverted to mischief, I am bound to be doubly diligent to prevent their being so employed.

"The diligence I have used for two years past, and the success I have had in defeating all your shameful schemes, is the true cause of the dissension between us. I have never had any private pique or quarrel with you. It was your policy in paragraphs and anonymous letters to pretend it; but you cannot mention any private cause of pique or quarrel.

"To prevent the mischief of division to a popular opposition, those who saw both your bad intentions and your actions were silent; and whilst they defeated all your projects, they were cautious to conceal your defeats. They studied so much the more to satisfy your voracious prodigality, and thought, as I should have done if a minister, that if feeding it would keep you from mischief, a few thousands would be well employed by the public for that purpose. But I can never, merely for the sake of strengthening opposition, join in those actions which would prevent all the good effects to be hoped for from opposition, and for the sake of which alone any opposition to government can be justifiable. Such a practice would very well suit those who wish a change of ministers. For my part I wish no such thing; bad as the present are, I am afraid the next will not be better, though I am sure they cannot be worse. I care not

under

The *proofs* of his positive charges are as extraordinary, "He does not pretend to any intelligence concerning me, or to know more of my conduct than I myself have thought proper to communicate to the public." He does not suspect me of such gross folly as to have solicited votes, or to have written anonymously in the

under whose administration good comes. But the people must owe it to themselves, nor ought they to receive the restoration of their rights as a favour from any set of men, minister, or King. The moment they accept it as a grant, a favour, an act of grace, the people have not the prospect of a right left. They will from that time become like the mere possessors of an estate without a title, and of which they may be dispossessed at pleasure. If the people are not powerful enough to make a bad administration or a bad king do them justice, they will not often have a good one. Would to God, the time were come, which I am afraid is very distant beyond the period of my life, when an honest man could not be in opposition; I declare I should rejoice to find the patronage of a minister in the smallest degree my honour and interest. I never have pretended to any more than to prefer the former to the latter. But it is not upon me alone that you have poured forth your abuse, but upon every man of honour who has deserved well of the public; and if you were permitted to proceed without interruption, there would shortly not be found one honest man who would not shudder to deserve well of the people.

"The true reason of our dissension being made public, is, that you could not get on a step without it; and you trust that the popularity of your name, and your diligence in paragraphing the papers, will outweigh with the people the most essential services of others; and that you shall get rid of all control by taking away from those who mean well, the confidence of the people.

news-papers; because it is impossible to do either of these without being detected and brought to shame. JUNIUS says this! who yet imagines that he has himself written two years under that signature, (and more under *others*) without being detected!—his warmest admirers will not here-

people. If you can once get them affronted by the public, whom they have faithfully served, you flatter yourself that disgust will make them retire from a scene where such a man as you are, covered with infamy like yours, has the disposal of honour and disgrace, and the characters of honest men at his mercy.

JOHN HORNE."

To the second paragraph of this extract Mr. Wilkes makes the following reply:

"I THANK you for the entertainment of your sixth letter. The idea of an unfaithful echo, although not quite new and original, is perfectly amusing; but, like Bayes, you love to elevate and surprise. I wish you would give the list of echoes of this kind, which you have heard in your travels through France and Italy. I have read of only one such in a neighbouring kingdom. If you ask, *How do you do?* it answers, *Pretty well I thank you.* The sound of your unfaithful echo can only be paralleled by Jack Hume's silence with a stilly sound, in the tragedy of Douglas.

The torrent rushing o'er its pebbly banks,
Infuses silence with a stilly sound.

I have heard of the babbling, the mimic, the shrill echo. The discovery of an unfaithful echo was reserved for Mr. Horne. Really, Sir, I should have thought, notwithstanding all your rage, you might have suffered an echo to be faithful. I did not expect novelty, or variety, much less infidelity from an echo." EDIT.

after add, without being brought to shame. But though he did never suspect me of such gross folly as to run the *hazard* of being detected and brought to shame by *anonymous* writing, he insists that I have been guilty of a much grosser folly of incurring the certainty of shame and detection by writings *signed* with my name! But this is a small flight for the towering JUNIUS: "He is FAR from thinking meanly of my abilities," though he is "convinced that I want judgment extremely," and can, "really respect Mr. Sawbridge's character," though he declares *him to be so poor a creature as not to "see through the basest design conducted in the poorest manner!" And this most base design is con-

* I beg leave to introduce Mr. Horne to the character of the *Double Dealer*. I thought they had been better acquainted. —"Another very wrong objection has been made by some, who have not taken leisure to distinguish the characters. The hero of the play (meaning *Mellefont*) is a gull, and made a fool, and cheated.—Is every man a gull and a fool that is deceived?—At that rate, I am afraid the two classes of men will be reduced to one, and the knaves themselves be at a loss to justify their title. But if an open, honest-hearted man, who has an entire confidence in one, whom he takes to be his friend, and who (to confirm him in his opinion) in all appearance and upon several trials has been so; if this man be deceived by the treachery of the other, must he of necessity commence fool immediately, only because the other has proved a villain?"— YES, says parson *Horne*. No, says *Congreve*, and he, I think, is allowed to have known something of human nature.

ducted in the poorest manner, by a man whom he does not suspect of gross folly, and of whose abilities he is FAR from thinking meanly!

Should we ask JUNIUS to reconcile these contradictions, and explain this nonsense, the answer is ready; "he cannot descend to an altercation in the news-papers." He feels no reluctance to attack the character of any man: the throne is not too high, nor the cottage too low: his mighty malice can grasp both extremes: he hints not his accusations as *opinion*, *conjecture*, or *inference;* but delivers them as *positive assertions:* Do the accused complain of injustice? He acknowledges they have some sort of right to an *explanation;* but if they ask for *proofs* and *facts*, he begs to be excused: and though he is no where else to be encountered —"he cannot descend to an altercation in the news-papers."

And this perhaps JUNIUS may think "the *liberal resentment of a gentleman:*" this skulking assassination he may call courage. In all things as in this I hope we differ:

"I thought that fortitude had been a mean
'Twixt fear and rashness; not a lust obscene
Or appetite of offending; but a skill
And nice discernment between good and ill.
Her ends are honesty and public good,
And without these she is not understood."

Of two things however he has condescended to give proof. He very properly produces a *young lady* to prove that I am not a man: and a good *old woman*, my grandmother, to prove Mr. Oliver a fool. Poor old soul! she read her bible far otherwise than JUNIUS! she often found there that the sins of the fathers had been visited on the children; and therefore was cautious that herself and her immediate descendants should leave no reproach on her posterity: and they left none: how little could she foresee this reverse of JUNIUS, who visits my political sins upon my *grandmother!* I do not charge this to the score of malice in him, it proceeded intirely from his propensity to blunder; that whilst he was reproaching me for introducing in the most harmless manner, the name of *one* female, he might himself at the same instant, introduce *two*.

I am represented alternately as it suits JUNIUS's purpose, under the opposite characters of a *gloomy Monk*, and a man of *politeness and good humour*. I am called "*a solitary Monk*," in order to confirm the notion given of me in Mr. Wilkes's anonymous paragraphs, that I *never laugh:* and the terms of *politeness* and *good humour* on which I am said to have lived heretofore with the *young lady*, are intended to confirm other paragraphs of Mr. Wilkes, in which

he is supposed to have offended me by *refusing his daughter*. Ridiculous! Yet I cannot deny but that JUNIUS has proved me *unmanly* and *ungenerous* as clearly as he has shewn me *corrupt* and *vindictive:* and I will tell him more; I have paid the present ministry as many *visits* and *compliments* as ever I paid to the *young lady*, and shall all my life treat them with the *same politeness and good humour*.

But JUNIUS "begs me to believe that he measures the integrity of men by their *conduct*, not by their *professions*." Surely this JUNIUS must imagine his readers as void of understanding, as he is of modesty! Where shall we find the standard of HIS integrity? By what are we to measure the *conduct* of this lurking assassin?—And he says this to me, whose conduct, wherever I could personally appear, has been as direct and open and public as my words; I have not, like him, concealed myself in my chamber to shoot my arrows out of the window; nor contented myself to view the battle from afar; but publicly mixed in the engagement, and shared the danger. To whom have I, like him, refused my name upon complaint of injury? * what printer have I desired to conceal me? in the infinite variety of business in which I have been concerned,

* Alluding to Sir Wm. Draper's call upon JUNIUS for his name. See the conclusion of Letter XXIV. EDIT.

where it is not so easy to be faultless, which of my actions can he arraign? to what danger has any man been exposed, which I have not faced? *information*, *action*, *imprisonment*, or *death?* what labour have I refused? what expense have I declined? what pleasure have I not renounced? —But JUNIUS, *to whom no conduct belongs*, "measures the integrity of men by their *conduct*, not by their professions;" himself all the while being nothing but *professions*, and those too *anonymous!* the political ignorance or wilful falsehood of this *declaimer* is extreme: his own *former* letters justify both my conduct and those whom his *last* letter abuses: for the public measures, which JUNIUS has been all along defending, were ours, whom he attacks; and the uniform opposer of those measures has been Mr. Wilkes, whose bad actions and intentions he endeavours to screen.

Let JUNIUS now, if he pleases, change his abuse; and quitting his loose hold of *interest* and *revenge*, accuse me of *vanity*, and call this defence *boasting*. I own I have a pride to see statues decreed, and the highest honours conferred for measures and actions which all men have approved: whilst those who counselled and caused them are execrated and insulted. The darkness in which JUNIUS thinks himself shrouded has not concealed him; nor the artifice of only

attacking under that signature those he would pull down (whilst he *recommends by other ways* those he would have promoted) disguised from me whose partisan he is. When Lord Chatham can forgive the awkward situation in which for the sake of the public he was designedly placed by the thanks to him from the city *: and when *Wilkes's name* ceases to be necessary to Lord Rockingham to keep up a clamour against the *persons* of the ministry, without obliging the different factions now in opposition to bind themselves beforehand to some certain points, and to stipulate some precise advantages to the public; then, and not till then, may those whom he now abuses expect the approbation of JUNIUS. The approbation of the public for our faithful attention to their interest by endeavours for those stipulations, which have made us as obnoxious to the factions in opposition as to those in administration, is not perhaps to be expected till some years hence; when the public will look back and see how shamefully they have been deluded; and by what arts they were made to lose the golden opportunity of preventing what they will surely experience,—a change of ministers, without a *material* change of measures, and without any security for a tottering constitution.

* See note, page 299. EDIT.

But what cares JUNIUS for the security of the constitution? He has now unfolded to us his diabolical principles. *As a public man he must ever condemn* any measure which may tend even accidentally to *gratify* the Sovereign: and Mr. Wilkes is to be supported and assisted in all his attempts (no matter how ridiculous or mischievous his projects) *as long as he continues to be a thorn in the King's side!*—The *cause of the country* it seems, in the opinion of JUNIUS, is merely to vex the King: and any rascal is to be supported in any roguery, provided he can only thereby plant *a thorn in the King's side.*—This is the very extremity of faction, and the last degree of political wickedness. Because Lord Chatham has been ill-treated by the King, and treacherously betrayed by the Duke of Grafton, the latter is to be " the pillow on which JUNIUS will rest his resentment!" and the public are to oppose the measures of government from mere motives of personal enmity to the Sovereign! —These are the avowed principles of the man who in the same letter says, " if ever he should be convinced that I had no motive but to destroy Wilkes, he shall then be ready to do justice to my character, and to declare to the world that he despises me somewhat less than he does at present!" Had I ever acted from personal affection or enmity to Mr. *Wilkes*, I

should justly be despised: but what does he deserve whose avowed motive is personal enmity to the Sovereign? the contempt which I should otherwise feel for the absurdity and glaring inconsistency of JUNIUS, is here swallowed up in my abhorrence of his principle. The *right divine* and *sacredness* of Kings is to me a senseless jargon. It was thought a daring expression of Oliver Cromwell in the time of Charles the first, that if he found himself placed opposite to the King in battle, he would discharge his piece into his bosom as soon as into any other man's. I go farther: had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty; I would have sought him through the ranks, and without the least personal enmity, have discharged my piece into his bosom *rather* than into any other *man's* *.

* Mr. Horne was charged with having stolen this idea from a note of Mr. Wilkes, annexed to that passage in Clarendon, to which the writer here more particularly alludes. The letter is short, and, as it also explains a subsequent fact, it ought not to be omitted.

FOR THE PUBLIC ADVERTISER.

TO THE REV. MR. HORNE.

SIR, *Aug* 6, 1771.

You declare in your letter to JUNIUS, that Mr. Wilkes told the Rockingham administration, " it cost me a year and an half to write down the last administration." Unluckily for Mr. Horne the administration said to be wrote down

 by

The King, whose actions justify rebellion to his government, deserves death from the hand of every subject. And should such a time arrive, I shall be as free to act as to say. But till then, my attachment to the person and family of the Sovereign shall ever be found more zealous and sincere than that of his flatterers. I would offend the Sovereign with as much reluctance as the parent; but if the happiness and security of the whole family made it necessary, so far and no farther, I would offend him without remorse.

But let us consider a little whither these principles of JUNIUS would lead us. Should Mr. Wilkes once more commission Mr. Thomas Walpole to procure for him a pension of *one thousand pounds* upon the Irish establishment for thirty years; he must be supported in the

by Mr. Wilkes did not last *one year*, and Mr. Wilkes is certainly too well informed to have made so gross a mistake. Lord Bute was made first commissioner of the treasury, May 29, 1762, and resigned April 8, 1763. The North Briton made its first appearance June 5, 1762. The paper war therefore did not last quite one year before the enemy abandoned the capital post he had seized. Mr. Horne when he invents, should be careful not to give absurd fictions. I am acquainted both with Mr. Wilkes and Mr. Horne. It is amusing to observe how the parson has on a variety of occasions purloined from the alderman. Many of their former common friends have been amused with the instances. The late passage about Cromwell is curious. Mr. Horne says, " it was thought a daring expression

demand by the public—because it would mortify the King!

Should he wish to see Lord Rockingham and his friends once more in administration, *unclogged by any stipulations for the people*, that he might again enjoy a *pension of one thousand and forty*

pression of Oliver Cromwell, &c." Mr. Wilkes has probably forgot the little anecdote; but I breakfasted with him at the King's Bench with Mr. Horne, who copied in my presence the following note from Mr. Wilkes's Clarendon, which I likewise preserved. "Cromwell ought to have declared, that he would rather chuse to single out the King, and discharge his pistol upon him, as the first author of the guilt of a civil war, and whose death then might probably extinguish it." The whole passage of Clarendon is so curious, your readers will not be displeased to find it in your paper. "Cromwell, though the greatest dissembler living, always made his hypocrisy of singular use and benefit to him, and never did any thing, how ungracious or imprudent soever it seemed to be, but what was necessary to the design; even his roughness and unpolishedness, which, in the beginning of the parliament, he affected contrary to the smoothness and complacency which his cousin, and bosom friend, Mr. Hambden, practised towards all men, was necessary; and his first public declaration, in the beginning of the war, to his troop when it was first mustered, that he would not deceive or couzen them by the perplexed and involved expressions in his commission, to fight for King and Parliament; and therefore told them, that if the King chanced to be in the body of the enemy that he was to charge, he would as soon discharge his pistol upon him, as any other private person; and if their conscience would not permit them to do the like, he advised them not to list themselves in his troop, or under his command, which was generally looked upon

as

pounds a year, viz. From the *first lord of the treasury* 300l. From the *lords of the treasury* 60l. each. From the *lords of trade* 40l. each*, &c. The public must give up their attention to points of national benefit, and assist Mr. Wilkes in his attempt—because it would mortify the King!

as imprudent and malicious, and might, by the professions the parliament then made, have proved dangerous to him, yet served his turn, and severed from others, and united among themselves, all the furious and incensed men against the government, whether ecclesiastical or civil, to look upon him as a man for their turn, upon whom they might depend, as one who would go through his work that he undertook."

The passage I have quoted from Mr. Horne's letter appears to me in flat contradiction to what he says at the end of the same letter, " whoever or whatever is Sovereign, demands the respect and support of the people." Is it possible that the last paragraph could be written by the same person, who printed in all the papers that the King's smiling when the city remonstrance was presented, reminded him, that " Nero fiddled while Rome was burning?"

I am, Sir,

W. B.

For an explanation of the quotation, see p. 121 of this vol. EDIT.

* The Rockingham party had consented to unite with the Bedford administration on the express stipulation of a reversal of the proceedings against Wilkes. They were not, however, able to obtain this stipulation at last; and, as some indemnification to Wilkes for the promise they had made to him in this respect, they granted him a pension *out of their own salaries*, upon the proportions stated above, with which, at their entreaty, he again returned to the continent. EDIT.

Should he demand the government of *Canada*, or of *Jamaica*, or the embassy to *Constantinople*; and in case of refusal threaten to write them down, as he had before served another administration, in a year and an half; he must be supported in his pretensions, and upheld in his insolence—because it would mortify the King!

JUNIUS may chuse to suppose that these things cannot happen! But that they have happened, notwithstanding Mr. Wilkes's denial, I do aver. I maintain that Mr. Wilkes did commission Mr. Thomas Walpole to solicit for him a pension of *one thousand pounds* on the *Irish* establishment for *thirty years*; with which and a pardon he declared he would be satisfied: and that, notwithstanding his letter to Mr. Onslow, he did accept a *clandestine*, *precarious* and *eleemosynary* pension from the Rockingham administration *; which they paid in proportion to and out of their salaries; and so entirely was it ministerial, that as any of them went out of the ministry, their names were scratched out of the list, and they contributed no longer. I say, he did solicit the governments and the embassy, and threatened their refusal nearly in these words—"It cost me a year and an half to write down the last administration, should I employ as much time upon you, very few of you would

* See the last note, which states the pension referred to.

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be in at the death." When these threats did not prevail, he came over to England to embarrass them by his presence; and when he found that Lord Rockingham was something firmer and more manly than he expected, and refused to be bullied——into what he could not perform, Mr. Wilkes declared that he could not leave England without money; and the Duke of Portland and Lord Rockingham purchased his absence with *one hundred pounds a piece;* with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland, to Lord Rockingham, to Lord John Cavendish, to Mr. Walpole, &c.—I appeal to the hand-writing of Mr. Wilkes, which is still extant.

Should Mr. Wilkes afterwards (failing in this wholesale trade) chuse to dole out his popularity by the pound, and expose the city offices to sale to his brother, his attorney, &c. JUNIUS will tell us, it is only an *ambition* that he has to make them *chamberlain*, *town-clerk*, &c. and he must not be opposed in thus robbing the ancient citizens of their birthright——because any defeat of Mr. Wilkes would gratify the King!

Should he, after consuming the whole of his own fortune and that of his wife, and incurring a debt of *twenty thousand pounds* merely by his own private extravagance, without a single ser-

vice or exertion all this time for the public, whilst his estate remained; should he, at length, being undone, commence patriot, have the good fortune to be illegally persecuted, and in consideration of that illegality be espoused by a few gentlemen of the purest public principles; should his debts, (though none of them were contracted for the public) and all his other incumbrances be discharged; should he be offered 600l. or 1000l. a year to make him independent for the future; and should he, after all, instead of gratitude for these services, insolently forbid his benefactors to bestow their own money upon any other object but himself*, and revile them for setting any bounds to their supplies; JUNIUS (who, any more than Lord Chatham, never contributed one farthing to these enormous expenses) will tell them, that if they think of converting the supplies of Mr. Wilkes's private extravagance to the support of public measures——they are as great fools as my *grandmother*; and that Mr. Wilkes ought to hold the strings of their purses—*as long as he continues to be a thorn in the King's side!*

Upon these principles I never have acted,

* The quarrel between Mr. Wilkes and Mr. Horne originated in the mode of appropriating the contributions to the Bill of Rights Society, the funds of which were professedly subscribed for the purpose of paying the debts of the former.

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and I never will act. In my opinion, it is less dishonourable to be the creature of a court than the tool of a faction. I will not be either. I understand the two great leaders of opposition to be Lord Rockingham and Lord Chatham; under one of whose banners all the opposing members of both Houses, who desire to get places, enlist. I can place no confidence in either of them, or in any others, unless they will now engage, whilst they are OUT, to grant certain essential advantages for the security of the public when they shall be IN administration. These points they refuse to stipulate, because they are fearful lest they should prevent any future overtures from the court. To force them to these stipulations has been the uniform endeavour of Mr. Sawbridge, Mr. Townshend, Mr. Oliver, &c. and THEREFORE, they are abused by JUNIUS. I know no reason but my zeal and industry in the same cause that should intitle me to the honour of being ranked by his abuse with persons of their fortune and station. It is a duty I owe to the memory of the late Mr. Beckford to say, that he had no other aim than this when he provided that sumptuous entertainment at the Mansion-house for the members of both Houses in opposition*. At that time he drew

* On the 22nd of March, 1770, at which forty-five noblemen, besides a great number of members of parliament, and other persons of distinction, were present. EDIT.

up the heads of an engagement, which he gave to me with a request that I would couch it in terms so cautious and precise, as to leave no room for future quibble and evasion; but to oblige them either to fulfil the intent of the obligation, or to sign their own infamy, and leave it on record; and this engagement he was determined to propose to them at the Mansion-house, that either by their refusal they might forfeit the confidence of the public, or by the engagement lay a foundation for confidence. When they were informed of the intention, Lord Rockingham and his friends flatly refused any engagement; and Mr. Beckford as flatly swore, they should then—"eat none of his broth;" and he was determined to put off the entertainment: But Mr. Beckford was prevailed upon by —— to indulge them in the ridiculous parade of a popular procession through the city, and to give them the foolish pleasure of an imaginary consequence, for the real benefit only of the cooks and purveyors.

It was the same motive which dictated the thanks of the city to Lord Chatham; which were expressed to be given for his declaration in favour of *short parliaments;* * in order thereby

* The vote of thanks and answer were as follow:

At a Common Council holden on the 14th of May, 1770, it was resolved, "That the grateful thanks of this court be presented

to fix Lord Chatham at least to that one consti- tutional remedy, without which all others can afford no security. The embarrassment no doubt was cruel. He had his choice, either to offend the Rockingham party, who declared *formally* against short parliaments, and with the assistance of whose numbers in both Houses he

sented to the Right Hon. William Earl of Chatham, for the zeal he has shewn in support of those most valuable and sacred privileges, the right of election, and the right of petition; and for his wishes and declaration, that his endeavours shall hereafter be used that parliaments may be restored to their original purity, by shortening their duration, and introducing a more full and equal representation; an act which will render his name more honoured by posterity, than the memorable successes of the glorious war he conducted."

To this vote of thanks the Earl of Chatham made the following reply to the committee deputed to present it to his Lordship.

"GENTLEMEN,

"It is not easy for me to give expression to all I feel, on the extraordinary honour done to my public conduct by the City of London; a body so highly respectable on every account, but above all, for their constant assertion of the birthrights of Englishmen, in every great crisis of the constitution.

"In our present unhappy situation, my duty shall be, on all proper occasions, to add the zealous endeavours of an individual to those legal exertions of constitutional rights, which, to their everlasting honour, the City of London has made, in defence of freedom of election and freedom of petition, and for obtaining effectual reparation to the electors of Great Britain.

"As to the point among the declarations which I am understood to have made, of my wishes for the public, permit me

to

must expect again to be minister; or to give up the confidence of the public, from whom finally all real consequence must proceed. Lord Chatham chose the latter: and I will venture to say, that, by his *answer* to those thanks, he has given up the people without gaining the friendship or

to say there has been some misapprehension, for with all my deference to the sentiments of the City, I am bound to declare, that I cannot recommend triennial parliaments as a remedy against that canker of the constitution, venality in elections; ready to submit my opinion to better judgment, if the wish for that measure shall become prevalent in the kingdom. Purity of parliament is the corner-stone in the common-wealth; and as one obvious means towards this necessary end is to strengthen and extend the natural relation between the constituents and the elected, I have, in this view, publicly expressed my earnest wishes for a more full and equal representation, by the addition of one knight of the shire in a county, as a farther balance to the mercenary boroughs.

" I have thrown out this idea with the just diffidence of a private man, when he presumes to suggest any thing new on a high matter. Animated by your approbation, I shall with better hope continue humbly to submit it to the public wisdom, as an object most deliberately to be weighed, accurately examined, and maturely digested.

" Having many times, when in the service of the crown, and when retired from it, experienced, with gratitude, the favour of my fellow citizens, I am now particularly fortunate, that, with their good liking, I can offer any thing towards upholding this wisely-combined frame of mixed government against the decays of time, and the deviations incident to all human institutions; and I shall esteem my life honoured indeed, if the City of London can vouchsafe to think that my endeavours have not been wanting to maintain the national honour, to defend

cordial assistance of the Rockingham faction; whose little politics are confined to the making of matches, and extending their family connections, and who think they gain more by procuring one additional vote to their party in the House of Commons, than by adding to their languid property and feeble character, to the abilities of a *Chatham*, or the confidence of a public.

Whatever may be the event of the present wretched state of politics in this country, the principles of JUNIUS will suit no form of government. They are not to be tolerated under any constitution. Personal enmity is a motive fit only for the devil. Whoever or whatever is Sovereign, demands the respect and support of the people. The union is formed for their happiness, which cannot be had without mutual respect; and he counsels maliciously who would persuade either to a wanton breach of it. When it is banished by either party, and when every method has been tried in vain to restore it, there is no remedy but a divorce: but even then he must have a hard and a wicked heart indeed

fend the colonies, and extend the commercial greatness of my country, as well as to preserve from violation the law of the land, and the essential rights of the constitution."

On the subject of triennial parliaments, Lord Chatham appears subsequently to have changed his opinion, as will be seen by a reference to Editor's note to Letter XLIV. EDIT.

who punishes the greatest criminal merely for the sake of the punishment; and who does not let fall a tear for every drop of blood that is shed in a public struggle, however just the quarrel.

JOHN HORNE.

LETTER LIV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 13 *Aug.* 1771.

I OUGHT to make an apology to the Duke of Grafton, for suffering any part of my attention to be diverted from his Grace to Mr. Horne. I am not justified by the similarity of their dispositions. Private vices, however detestable, have not dignity sufficient to attract the censure of the press, unless they are united with the power of doing some signal mischief to the community.—Mr. Horne's situation does not correspond with his intentions.—In my own opinion, (which I know, will be attributed to my usual vanity and presumption) his letter to me does not deserve an answer. But I understand that the public are not satisfied with my silence; —that an answer is expected from me, and that if I persist in refusing to plead, it will be taken for conviction. I should be inconsistent with the principles I profess, if I declined an appeal

to the good sense of the people, or did not willingly submit myself to the judgment of my peers.

If any coarse expressions have escaped me, I am ready to agree that they are unfit for JUNIUS to make use of, but I see no reason to admit that they have been improperly applied.

Mr. Horne, it seems, is unable to comprehend how an extreme want of conduct and discretion can consist with the abilities I have allowed him; nor can he conceive that a very honest man, with a very good understanding, may be deceived by a knave. His knowlege of human nature must be limited indeed. Had he never mixed with the world, one would think that even his books might have taught him better. Did he hear Lord Mansfield, when he defended his doctrine concerning libels?—Or when he stated the law in prosecutions for criminal conversation?—Or when he delivered his reasons for calling the House of Lords together to receive a copy of his charge to the jury in Woodfall's trial*?—Had he been present upon any of these occasions, he would have seen how possible it is for a man of the first talents, to confound himself in absurdities, which would disgrace the lips of an ideot. Perhaps the example might have taught him not to value his own under-

* See note in p. 244 of the present volume. EDIT.

standing so highly.—Lord Littleton's integrity and judgment are unquestionable;—yet he is known to admire that cunning Scotchman, and verily believes him an honest man.—I speak to facts, with which all of us are conversant,—I speak to men and to their experience, and will not descend to answer the little sneering sophistries of a collegian.—Distinguished talents are not necessarily connected with discretion. If there be any thing remarkable in the character of Mr. Horne, it is that extreme want of judgment should be united with his very moderate capacity. Yet I have not forgotten the acknowledgment I made him. He owes it to my bounty; and though his letter has lowered him in my opinion, I scorn to retract the charitable donation.

I said it would be *very difficult* for Mr. Horne to write directly in defence of a ministerial measure, and not be detected; and even that difficulty I confined to *his* particular situation. He changes the terms of the proposition, and supposes me to assert, that it would be *impossible* for *any* man to write for the newspapers and not be discovered.

He repeatedly affirms, or intimates at least, that he knows the author of these letters.—With what colour of truth then can he pretend *that I am no where to be encountered but in a news-*

paper?—I shall leave him to his suspicions. It is not necessary that I should confide in the honour or discretion of a man, who already seems to hate me with as much rancour, as if I had formerly been his friend.—But he asserts that he has traced me through a variety of signatures. To make the discovery of any importance to his purpose, he should have proved, either that the fictitious character of JUNIUS has not been consistently supported, or that the author has maintained different principles under different signatures.—I cannot recall to my memory the numberless trifles I have written;—but I rely upon the consciousness of my own integrity, and defy him to fix any colourable charge of inconsistency upon me.

I am not bound to assign the secret motives of his apparent hatred of Mr. Wilkes: nor does it follow that I may not judge fairly of *his* conduct, though it were true, *that I had no conduct of my own*.—Mr. Horne enlarges, with rapture, upon the importance of his services;—the dreadful battles which he might have been engaged in, and the dangers he has escaped.—In support of the formidable description, he quotes verses without mercy. The gentleman deals in fiction, and naturally appeals to the evidence of the poets.—Taking him at his word, he cannot but admit the superiority of Mr. Wilkes in this line

of service. On one side we see nothing but imaginary distresses. On the other we see real prosecutions;—real penalties;—real imprisonment;—life repeatedly hazarded; and, at one moment, almost the certainty of death *. Thanks are undoubtedly due to every man who does his duty in the engagement; but it is the wounded soldier who deserves the reward.

I did not mean to deny that Mr. Horne had been an active partisan. It would defeat my own purpose not to allow him a degree of merit, which aggravates his guilt. The very charge *of contributing his utmost efforts to support a ministerial measure*, implies an acknowledgment of his former services. If he had not once been distinguished by his apparent zeal in defence of the common cause, he could not now be distinguished by deserting it.—As for myself, it is no longer a question *whether I shall mix with the throng, and take a single share in the danger.* Whenever JUNIUS appears, he must encounter a host of enemies. But is there no honourable way to serve the public, without engaging in personal quarrels with insignificant individuals, or submitting to the drudgery of canvassing votes for an election? Is there no merit in dedicating my life to the information of my fellow

* For an explanation of the subjects here alluded to, see the Editor's note to Letter XLVI. of this vol. p. 227. EDIT.

subjects?—What public question have I declined, what villain have I spared?—Is there no labour in the composition of these letters? Mr. Horne, I fear, is partial to me, and measures the facility of *my* writings, by the fluency of his own.

He talks to us, in high terms, of the gallant feats he would have performed, if he had lived in the last century. The unhappy Charles could hardly have escaped him. But living princes have a claim to his attachment and respect. Upon these terms, there is no danger in being a patriot. If he means any thing more than a pompous rhapsody, let us try how well his argument holds together.—I presume he is not yet so much a courtier as to affirm that the constitution has not been grossly and daringly violated under the present reign. He will not say, that the laws have not been shamefully broken or perverted;—that the rights of the subject have not been invaded, or that redress has not been repeatedly solicited and refused.—Grievances like these were the foundation of the rebellion in the last century, and, if I understand Mr. Horne, they would, at that period, have justified him to his own mind, in deliberately attacking the life of his Sovereign. I shall not ask him to what political constitution this doctrine can be reconciled. But, at least, it is incumbent upon

him to shew, that the present King has better excuses than Charles the first, for the errors of his government. He ought to demonstrate to us that the constitution was better understood a hundred years ago than it is at present;—that the legal rights of the subject, and the limits of the prerogative were more accurately defined, and more clearly comprehended. If propositions like these cannot be fairly maintained, I do not see how he can reconcile it to his conscience, not to act immediately with the same freedom with which he speaks. I reverence the character of Charles the first as little as Mr. Horne; but I will not insult his misfortunes by a comparison that would degrade him.

It is worth observing, by what gentle degrees, the furious, persecuting zeal of Mr. Horne has softened into moderation. Men and measures were yesterday his object. What pains did he once take to bring that great state criminal *Macquirk* to execution!—To-day he confines himself to measures only.—No penal example is to be left to the successors of the Duke of Grafton.—To-morrow, I presume both men and measures will be forgiven. The flaming patriot, who so lately scorched us in the meridian, sinks temperately to the west, and is hardly felt as he descends.

I comprehend the policy of endeavouring to

communicate to Mr. Oliver and Mr. Sawbridge, a share in the reproaches, with which he supposes me to have loaded him. My memory fails me, if I have mentioned their names with disrespect;—unless it be reproachful to acknowledge a sincere respect for the character of Mr. Sawbridge, and not to have questioned the innocence of Mr. Oliver's intentions.

It seems I am a partisan of the great leader of the opposition. If the charge had been a reproach, it should have been better supported. I did not intend to make a public declaration of the respect I bear Lord Chatham. I well knew what unworthy conclusions would be drawn from it. But I am called upon to deliver my opinion, and surely it is not in the little censure of Mr. Horne to deter me from doing signal justice to a man, who, I confess, has grown upon my esteem*. As for the common, sordid views of avarice, or any purpose of vulgar ambition, I question whether the applause of JUNIUS would be of service to Lord Chatham. *My* vote will hardly recommend him to an increase of his pension, or to a seat in the cabinet. But if his ambition be upon a level with his understanding;—if he judges of what is truly honourable for himself, with the same superior genius, which

* See the Author's opinion of Lord Chatham in Private Letter of Oct. 19, 1770. No. 23. EDIT.

animates and directs him, to eloquence in debate, to wisdom in decision, even the pen of JUNIUS shall contribute to reward him. Recorded honours shall gather round his monument, and thicken over him. It is a solid fabric, and will support the laurels that adorn it.—I am not conversant in the language of panegyric.—These praises are extorted from me; but they will wear well, for they have been dearly earned.

My detestation of the Duke of Grafton is not founded upon his treachery to any individual: though I am willing enough to suppose that, in public affairs, it would be impossible to desert or betray Lord Chatham, without doing an essential injury to this country. My abhorrence of the Duke arises from an intimate knowledge of his character, and from a thorough conviction, that his baseness has been the cause of greater mischief to England, than even the unfortunate ambition of Lord Bute.

The shortening the duration of parliaments is a subject on which Mr. Horne cannot enlarge too warmly; nor will I question his sincerity. If I did not profess the same sentiments, I should be shamefully inconsistent with myself. It is unnecessary to bind Lord Chatham by the written formality of an engagement. He has publicly declared himself a convert to Triennial

Parliaments *; and though I have long been convinced that this is the only possible resource we have left to preserve the substantial freedom of the constitution, I do not think we have a right to determine against the integrity of Lord Rockingham or his friends. Other measures may undoubtedly be supported in argument, as better adapted to the disorder, or more likely to be obtained.

Mr. Horne is well assured, that I never was the champion of Mr. Wilkes. But though I am not obliged to answer for the firmness of his future adherence to the principles he professes, I have no reason to presume that he will hereafter disgrace them. As for all those imaginary cases, which Mr. Horne so petulantly urges against me, I have one plain, honest answer to make to him.—Whenever Mr. Wilkes shall be convicted of soliciting a pension, an embassy, or a government, he must depart from that situation, and renounce that character, which he assumes at present, and which, in *my* opinion, intitle him to the support of the public. By the same act, and at the same moment, he will forfeit his power of mortifying the King; and though he

* For Lord Chatham's previous opinion of Triennial Parliaments, see Editor's note to the preceding Letter, and for his declaration in favour of them, Editor's note to Letter XLIV. p. 220. EDIT.

can never be a favourite at St. James's, his baseness may administer a solid satisfaction to the royal mind. The man, I speak of, has not a heart to feel for the frailties of his fellow creatures. It is their virtues that afflict, it is their vices that console him.

I give every possible advantage to Mr. Horne, when I take the facts he refers to for granted. That they are the produce of his invention, seems highly probable; that they are exaggerated I have no doubt. At the worst, what do they amount to, but that Mr. Wilkes, who never was thought of as a perfect pattern of morality, has not been at all times proof against the extremity of distress *. How shameful is it, in a man who has lived in friendship with him, to reproach him with failings, too naturally connected with despair! Is no allowance to be made for banishment and ruin? Does a two years imprisonment make no atonement for his crimes? —The resentment of a priest is implacable. No sufferings can soften, no penitence can appease him.—Yet he himself, I think, upon his own system, has a multitude of political offences to atone for. I will not insist upon the nauseous detail, with which he so long disgusted the public. He seems to be ashamed of it. But what

* For Mr. Wilkes's defence of himself against the charges of Mr. Horne, see the note, p. 265. EDIT.

excuse will he make to the friends of the constitution for labouring to promote *this consummately bad man* to a station of the highest national trust and importance? Upon what honourable motives did he recommend him to the livery of London for their representative;—to the ward of Farringdon for their alderman;—to the county of Middlesex for their knight? Will he affirm that, at that time, he was ignorant of Mr. Wilkes's solicitations to the ministry?—That he should say so, is indeed very necessary for his own justification, but where will he find credulity to believe him?

In what school this gentleman learned his ethics I know not. His *logic* seems to have been studied under Mr. Dyson. That miserable pamphleteer, by dividing the only precedent in point, and taking as much of it as suited his purpose, had reduced his argument upon the Middlesex election to something like the shape of a syllogism. Mr. Horne has conducted himself with the same ingenuity and candour. I had affirmed that Mr. Wilkes would preserve the public favour, "as long as he stood forth against a ministry and parliament, who were doing every thing they could to enslave the country, *and* as long as he was a thorn in the King's side." Yet from the exulting triumph of Mr. Horne's reply, one would think

that I had rested my expectation, that Mr. Wilkes would be supported by the public, upon the single condition of his mortifying the King. This may be logic at Cambridge or at the Treasury, but among men of sense and honour, it is folly or villany in the extreme.

I see the pitiful advantage he has taken of a single unguarded expression, in a letter not intended for the public. Yet it is only the *expression* that is unguarded. I adhere to the true meaning of that member of the sentence, taken separately as *he* takes it, and now, upon the coolest deliberation, re-assert that, for the purposes I referred to, it may be highly meritorious to the public, to wound the personal feelings of the Sovereign. It is not a general proposition, nor is it generally applied to the chief magistrate of this, or any other constitution. Mr. Horne knows as well as I do, that the best of princes is not displeased with the abuse, which he sees thrown upon his ostensible ministers. It makes them, I presume more properly the objects of his royal compassion;—neither does it escape his sagacity, that the lower they are degraded in the public esteem, the more submissively they must depend upon his favour for protection. This, I affirm upon the most solemn conviction, and the most certain knowledge, is a leading maxim in the policy of

the closet. It is unnecessary to pursue the argument any farther.

Mr. Horne is now a very loyal subject. He laments the wretched state of politics in this country, and sees, in a new light, the weakness and folly of the opposition. *Whoever or whatever is Sovereign demands the respect and support of the people* *, it was not so, *when Nero fiddled while Rome was burning* †. Our gracious Sovereign has had wonderful success, in creating new attachments *to his person and family*. He owes it, I presume, to the regular system he has pursued in the mystery of conversion. He began with an experiment upon the Scotch, and concludes with converting Mr. Horne.—What a pity it is, that the *Jews* should be condemned by Providence to wait for a Messiah of their own!

The priesthood are accused of misinterpreting the scriptures. Mr. Horne has improved upon his profession. He alters the text, and creates a refutable doctrine of his own. Such artifices cannot long delude the understanding of the people; and without meaning an indecent

* The very soliloquy of Lord Suffolk, before he passed the Rubicon. AUTHOR.

† This forms a sentence of Horne's own writing;—and was one of his bitterest sarcasms against the King. But see Editor's Note, p. 121 of this Vol. EDIT.

comparison, I may venture to foretel, that the Bible and JUNIUS will be read, when the commentaries of the Jesuits are forgotten.

JUNIUS *.

LETTER LV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 26 *Aug.* 1771.

THE enemies of the people, having now nothing better to object to my friend JUNIUS, are at last obliged to quit his politics and to rail at him for crimes he is not guilty of. His vanity and impiety are now the perpetual topics of their abuse. I do not mean to lessen the force of such charges, (supposing they were true,) but to shew that they are not founded. If I admitted the premises, I should readily agree in all the consequences drawn from them. Vanity indeed is a venial error, for it usually carries its own punishment with it;—but if I thought JUNIUS capable of uttering a disrespectful word of the religion of his country, I should be the first to renounce and give him up to the public contempt and indignation. As a man, I am

* In Private Note, No. 37, JUNIUS says "if Mr. Horne answers this Letter handsomely and in point, he shall be my great Apollo." EDIT.

satisfied that he is a Christian upon the most sincere conviction. As a writer, he would be grossly inconsistent with his political principles, if he dared to attack a religion established by those laws, which it seems to be the purpose of his life to defend.—Now for the proofs.—JUNIUS is accused of an impious allusion to the holy sacrament, where he says that, *if Lord Weymouth be denied the cup, there will be no keeping him within the pale of the ministry.* Now, Sir, I affirm that this passage refers entirely to a ceremonial in the Roman catholic church, which denies the cup to the laity. It has no manner of relation to the Protestant creed, and is in this country as fair an object of ridicule as *transubstantiation*, or any other part of Lord *Peter's* history in the Tale of the Tub.

But JUNIUS is charged with equal vanity and impiety, in comparing his writings to the holy scripture.—The formal protest he makes against any such comparison, avails him nothing. It becomes necessary then to shew that the charge destroys itself.—If he be *vain*, he cannot be *impious*. A vain man does not usually compare himself to an object, which it is his design to undervalue. On the other hand, if he be *impious*, he cannot be *vain*. For his impiety, if any, must consist in his endeavouring to degrade the holy scriptures by a comparison with his own

contemptible writings. This would be folly indeed of the grossest nature, but where lies the vanity?—I shall now be told,—"Sir, what you say is plausible enough, but still you must allow that it is shamefully impudent in JUNIUS to tell us that his works will live as long as the Bible." My answer is. *Agreed: but first prove that he has said so.* Look at his words, and you will find that the utmost he expects is, that the Bible and JUNIUS will survive the commentaries of the Jesuits, which may prove true in a fortnight. The most malignant sagacity cannot shew that his works are, *in his opinion*, to live as long as the Bible.—Suppose I were to foretel that *Jack* and *Tom* would survive *Harry*.—Does it follow that *Jack* must live as long as *Tom?* I would only illustrate my meaning and protest against the least idea of profaneness.

Yet this is the way in which JUNIUS is usually answered, arraigned and convicted. These candid critics never remember any thing he says in honour of our holy religion; though it is true that one of his leading arguments is made to rest *upon the internal evidence which the purest of all religions carries with it.* I quote his words, and conclude from them, that he is a true and hearty Christian, in substance, not in ceremony; though possibly he may not agree with my Reverend Lords the Bishops, or with the Head of the

Church, *that prayers are morality, or that kneeling is religion.*

PHILO JUNIUS.

LETTER LVI.

FROM THE REV. MR. HORNE TO JUNIUS.

16 *August*, 1771.

I CONGRATULATE you, Sir, on the recovery of your wonted style, though it has cost you a fortnight. I compassionate your labour in the composition of your letters, and will communicate to you the secret of my fluency.—Truth needs no ornament; and, in my opinion, what she borrows of the pencil is deformity.

You brought a positive charge against me of corruption. I denied the charge, and called for your proofs. You replied with abuse, and re-asserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your fortnight's letter there is not one word upon the subject of my corruption.

I have no more to say, but to return thanks to you for your *condescension*, and to a *grateful* public and *honest* ministry for all the favours

they have conferred upon me. The two latter, I am sure, will never refuse me any grace I shall solicit; and since you have been pleased to acknowledge that you told a deliberate lie in my favour out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with disrespect) make the same acknowledgment for what you have said to my prejudice?—This second recantation will perhaps be more abhorrent from your disposition; but should you decline it, you will only afford one more instance how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

At all events I am as well satisfied with your panegyric as Lord Chatham can be. Monument I shall have none; but over my grave it will be said, in your own words, "*Horne's situation did not correspond with his intentions**."

JOHN HORNE.

LETTER LVII.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, 28 *Sept.* 1771.

THE people of England are not apprized of the full extent of their obligations to

* The epitaph would not be ill suited to the character;—At the best, it is but equivocal.

you. They have yet no adequate idea of the endless variety of your character. They have seen you distinguished and successful in the continued violation of those moral and political duties, by which the little, as well as the great societies of life, are collected and held together. Every colour, every character became you. With a rate of abilities, which Lord Weymouth very justly looks down upon with contempt, you have done as much mischief to the community as *Cromwell* would have done, if *Cromwell* had been a coward, and as much as *Machiavel*, if *Machiavel* had not known, that an appearance of morals and religion are useful in society.—To a thinking man, the influence of the crown will, in no view, appear so formidable, as when he observes to what enormous excesses it has safely conducted your Grace, without a ray of real understanding, without even the pretension to common decency or principle of any kind, or a single spark of personal resolution. What must be the operation of that pernicious influence, (for which our Kings have wisely exchanged the nugatory name of prerogative) that, in the highest stations, can so abundantly supply the absence of virtue, courage, and abilities, and qualify a man to be the minister of a great nation, whom a private gentleman would be ashamed and afraid to admit into his family! Like the

universal passport of an ambassador, it supersedes the prohibition of the laws, banishes the staple virtues of the country, and introduces vice and folly triumphantly into all the departments of the state. Other princes, besides his Majesty, have had the means of corruption within their reach, but they have used it with moderation. In former times, corruption was considered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the sanctified religion of *George the third* have taught him to new model the civil forces of the state. The natural resources of the crown are no longer confided in. Corruption glitters in the van;—collects and maintains a standing army of mercenaries, and, at the same moment, impoverishes and inslaves the country.—His Majesty's predecessors, (excepting that worthy family, from which you, my Lord, are unquestionably descended,) had some generous qualities in their composition, with vices, I confess, or frailties in abundance. They were kings or gentlemen, not hypocrites or priests. They were at the head of the church, but did not know the value of their office. They said their prayers without ceremony, and had too little priestcraft in their understanding, to reconcile the sanctimonious forms of religion with the utter destruction of

the morality of their people.—My Lord, this is fact, not declamation.—With all your partiality to the house *of Stuart*, you must confess, that even *Charles the second* would have blushed at that open encouragement, at those eager, meretricious caresses, with which every species of private vice and public prostitution is received at *St. James's*.—The unfortunate house of *Stuart* has been treated with an asperity, which, if comparison be a defence, seems to border upon injustice. Neither *Charles* nor his brother were qualified to support such a system of measures, as would be necessary, to change the government, and subvert the constitution of England. One of them was too much in earnest in his pleasures,—the other in his religion. But the danger to this country would cease to be problematical, if the crown should ever descend to a prince, whose apparent simplicity might throw his subjects off their guard,—who might be no libertine in behaviour,—who should have no sense of honour to restrain him, and who, with just religion enough to impose upon the multitude, might have no scruples of conscience to interfere with his morality. With these honourable qualifications, and the decisive advantage of situation, low craft and falsehood are all the abilities that are wanting to destroy the wisdom of ages, and to deface the noblest monument that

human policy has erected—I know *such* a man; —My Lord, I know you both; and with the blessing of God (for I too am religious,) the people of England shall know you as well as I do. I am not very sure that greater abilities would not in effect be an impediment to a design, which seems at first sight to require a superior capacity. A better understanding might make him sensible of the wonderful beauty of that system he was endeavouring to corrupt. The danger of the attempt might alarm him. The meanness, and intrinsic worthlessness of the object (supposing he could attain to it) would fill him with shame, repentance and disgust. But these are sensations, which find no entrance into a barbarous, contracted heart. In some men, there is a malignant passion to destroy the works of genius, literature, and freedom. The *Vandal* and the *Monk* find equal gratification in it.

Reflections like these, my Lord, have a general relation to your Grace, and inseparably attend you, in whatever company or situation your character occurs to us. They have no immediate connection with the following recent fact, which I lay before the public, for the honour of the best of Sovereigns, and for the edification of his people.

A prince (whose piety and self-denial, one

would think, might secure him from such a multitude of worldly necessities,) with an annual revenue of near a million sterling, unfortunately *wants money*.—The navy of England, by an equally strange concurrence of unforeseen circumstances, (though not quite so unfortunately for his Majesty) is in equal want of timber. The world knows, in what a hopeful condition you delivered the navy to your successor, and in what a condition we found it in the moment of distress*. You were determined it should continue in the situation in which you left it. It happened, however, very luckily for the privy purse, that one of the above wants promised fair to supply the other. Our religious, benevolent, generous Sovereign, has no objection to selling *his own* timber to *his own* admiralty, to repair *his own* ships, nor to putting the money into *his own* pocket. People of a

* When the armament took place, in consequence of the dispute with Spain, respecting Falkland's Islands, the navy was found to be in a most deplorable state. By the exertions of the late Earl of Sandwich, then, and for many years afterwards, first lord of the admiralty, it was greatly renovated. It is however to later periods, to the superintendance of the present Earl Spencer, and some of his very able successors, that we are to look for its true pinnacle of glory:—for the manifestation of that expert and chivalrous courage which has made it indeed the envy of an individual tyrant, but the admiration of all the rest of the world. EDIT.

religious turn naturally adhere to the principles of the church. Whatever they acquire falls into *mortmain.*—Upon a representation from the admiralty of the extraordinary want of timber, for the indispensable repairs of the navy, the surveyor general was directed to make a survey of the timber in all the royal chaces and forests in England. Having obeyed his orders with accuracy and attention, he reported, that the finest timber he had any where met with, and the properest in every respect for the purposes of the navy, was in *Whittlebury Forest*, of which your Grace, I think, is hereditary ranger. In consequence of this report, the usual warrant was prepared at the treasury, and delivered to the surveyor, by which he or his deputy were authorized to cut down any trees in *Whittlebury Forest*, which should appear to be proper for the purposes above-mentioned. The deputy being informed that the warrant was signed and delivered to his principal in London, crosses the country to Northamptonshire, and with an officious zeal for the public service, begins to do his duty in the forest. Unfortunately for him, he had not the warrant in his pocket. The oversight was enormous, and you have punished him for it accordingly. You have insisted that an active, useful officer should be dismissed from his place. You have ruined an innocent man,

and his family.—In what language shall I address so black, so cowardly a tyrant;—thou worse than *one* of the *Brunswicks*, and all the *Stuarts!*—To them, who know Lord North, it is unnecessary to say, that he was mean and base enough to submit to you.—This however is but a small part of the fact. After ruining the surveyor's deputy, for acting without the warrant, you attacked the warrant itself. You declared it was illegal, and swore, in a fit of foaming, frantic passion, that it never should be executed. You asserted upon your honour, that in the grant of the rangership of *Whittlebury Forest*, made by *Charles the second*, (whom, with a modesty that would do honour to Mr. Rigby, you are pleased to call your ancestor) to one of his bastards, (from whom I make no doubt of your descent,) the property of the timber is vested in the ranger.—I have examined the original grant, and now, in the face of the public, contradict you directly upon the fact. The very reverse of what you have asserted upon your honour is the truth. The grant, *expressly and by a particular clause*, reserves the property of the timber for the use of the crown.—In spite of this evidence,—in defiance of the representations of the admiralty,—in perfect mockery of the notorious distresses of the English navy, and those equally pressing, and almost equally notorious

necessities of your pious Sovereign,—here the matter rests.—The lords of the Treasury recal their warrant; the deputy-surveyor is ruined for doing his duty;—Mr. John Pitt, (whose *name* I suppose is offensive to you) submits to be brow-beaten and insulted;—the oaks keep their ground;—the King is defrauded, and the navy of England may perish for want of the best and finest timber in the island. And all this is submitted to—to appease the Duke of Grafton!—To gratify the man, who has involved the King and his kingdom in confusion and distress, and who, like a treacherous coward, deserted his Sovereign in the midst of it!

There has been a strange alteration in your doctrines, since you thought it adviseable to rob the *Duke of Portland* of his property, in order to strengthen the interest of Lord *Bute*'s son-in-law, before the last general election *. *Nullum*

* Few persons have yet forgotten the commotion into which the nation was thrown by this outrageous attempt of the minister to enlarge the royal prerogative. By the common law of England no man can be disturbed in his title who has been in quiet possession of an estate for sixty years: but by an old obsolete law, a wretched remnant of ancient tyranny, it was asserted that *nullum tempus occurrit regi*, and such was the commencement of the law itself: in plain English that no term of possession, whether sixty, or a hundred and sixty years, can defend against a claim of the crown. This law was attempted to be revived in the reign of James I: but the attempt

tempus occurrit regi, was then your boasted motto, and the cry of all your hungry partisans. Now it seems a grant of *Charles the second* to one of his bastards is to be held sacred and inviolable! It must not be questioned by the King's servants, nor submitted to any interpre-

tempt was so effectually opposed in its outset by that sound constitutional lawyer Sir Edward Coke, that a Bill of a contrary tendency was suffered to pass in its stead, which expressly secured every estate of sixty years possession, "against all and every person having or pretending to have any estate, right, or title, by force or colour of any letters patent, or grants, upon suggestion of concealment, or defective titles, of or for which said manors, lands, and tenements, no verdict, judgment, or decree, hath been had or given."

This extraordinary and unconstitutional prerogative of the crown, was attempted to be revived by the Duke of Grafton in 1767; who for the mere purpose of carrying an election for the county of Cumberland in favour of Sir James Lowther against the Duke of Portland, had admitted the former to become a royal grantee of an enormous portion of what had formerly been crown lands—but which had been for upwards of seventy years in the different families of the actual possessors. This attempt introduced Sir George Savile's famous Bill, which was called the Quieting Bill, and was intended to render more valid the Act of James I. in favour of the subject against the crown. The remainder shall be given to the reader in an extract from a writer in the Public Advertiser, who adopted the signature of Ulysses, and addressed two Letters to Lord North on this subject.

"The Bill was lost. But the perseverance of a good man in a good cause, is not easily shaken. Sir George Savile revived the Bill in the succeeding session; and its success at last,

notwithstanding

tation but your own.—My Lord, this was not the language you held, when it suited you to insult the memory of the glorious deliverer of England from that detested family, to which you are still more nearly allied in principle than in blood.—In the name of decency and common

notwithstanding all the efforts of your Lordship, and the rest of the administration, gave a signal proof of the constitutional spirit which will break forth, when the struggle begins between liberty and prerogative.—In the progress of the *Bill*, a clause was proposed by the friends of Sir James Lowther, which left to the grantees of the crown, twelve months from the 1st of Jan. 1769, for the prosecution of their suits. The friends of the Bill, anxious to secure to the subject, if they could, so important a law, did not hesitate in admitting the clause. They assented to the proposition, that the case of Sir James Lowther should remain untouched by the Bill then depending.

" Such was that consent, of which Sir *James's friends* have talk'd so much: And what does it at last amount to? We agree not to touch the case of Sir James Lowther by this Bill. Does this important agreement (if by the way such an agreement could be made by private parties, in restraint of the powers of parliament) never to interpose? At no time, in no circumstances, under no provocations of the most flagrant abuse, or the most urgent necessity? Does it mean to say, that all future parliaments shall to eternity be barred from interfering, though impelled to it by the clearest justice? Do the friends of the Duke of Portland, does the whole legislature mean to ratify, to confirm, and to sanctify that hateful grant? If these intentions neither can, nor will be attributed to the consent given, the utmost construction of it can extend no farther, than I have contended that its true sense imports, a

neutrality

sense, what are your Grace's merits, either with King or ministry, that should intitle you to assume this domineering authority over both?—Is it the fortunate consanguinity you claim with the house of *Stuart?*—Is it the secret correspondence you have for so many years carried on

neutrality at that time and in that Bill, towards the question. If the case should be found to require future interposition, future parliaments will interpose. But till the conduct of Sir James Lowther shall make it necessary for us to point at him personally, we will give him credit for those feelings of sense, of decency and of remorse, that shall make it peevish to revive the memory of that odious transaction.

"Have these sensations operated upon Sir James? What has been his conduct? On the last day of the year allowed him, he served above 400 ejectments. The county of Cumberland, from one extremity of it to the other, was in the utmost confusion. Not a man who had voted against him within the described limits of the grant, was to escape. The word was gone forth—The rebels must be sacrificed, the county must be crushed. But the alarm that was given by so extensive and unparallelled revenge, made it very soon prudent and necessary for Sir James to abandon many of those suits: And they stood then reduced to the moderate number of 15 Bills in a Court of Equity, and 225 suits at law.

"Your Lordship, perhaps, could see with pleasure the miseries of that devoted county. You could, perhaps, contemplate with inward satisfaction, the glorious and exalted figure of Sir James Lowther, while you beheld him with an air of triumphant dignity, ride in the whirlwind and direct the storm. Other ideas filled the mind of Sir William Meredith. He could not hear of the distress and confusion into which that unfortunate county was plunged by the clause al-

 luded

with Lord Bute, by the assiduous assistance of your *cream coloured parasite?*—Could not your gallantry find sufficient employment for him, in those *gentle* offices by which he first acquired the

luded to, without immediately resolving to do that justice to Cumberland, which had been already shewn to every other county in the King's dominions. He therefore brought in the Bill to repeal that clause.

"I do not mean to enter into abstruse arguments upon the subject. In truth, it is a subject that the plain common sense of every moderate capacity, the natural and first feelings of every generous and honest heart must instantly decide upon. A law is made for the *general quiet of the subject.* A clause improvidently admitted (upon a principle of delicacy which subsequent events have not justified) counteracts the intention of that law; by perverting its beneficial purposes, and making it operate as a partial instrument of oppression, instead of securing to the whole kingdom the blessings it was intended to diffuse. Is not this a state of the fact? Was not the whole kingdom, Cumberland excepted, in the full enjoyment of that security which the Bill of Quiet was intended to procure? And was not Cumberland, and Cumberland alone, sacrificed by this clause? For extraordinary as the fact is, it is a truth which ought to be known, and which I am sure nobody will dare to controvert, that Sir James Lowther is the single grantee of the crown who has availed himself of this clause. There was not a man to be found, Sir James Lowther excepted, who would suffer himself to be transmitted to posterity as the last Englishman who exercised over his fellow-subjects this expiring right of barbarity

"Ashamed of proceedings which all men saw with concern, the Bill operated so far upon Sir James, that he was at last induced to offer to abandon every other suit he had begun, provided

tender friendship of *Lord Barrington?*—Or is it only that wonderful sympathy of manners, which subsists between your Grace and one of your superiors, and does so much honour to you

vided only that he might be at full liberty to prosecute with effect the great delinquent, the Duke of Portland.

"Your Lordship's notions of equal justice reconciled you to the idea. You thought that his Grace's situation in life, and his fortune, exempted him from compassion; and that he was therefore excluded from all claim or pretension to common justice.

"It is your duty, my Lord, to inform the public why that grant is acknowledged to be untenable against all but his Grace of Portland? Why it is to be abandoned and renounced in every instance but in his? What there is in it, if Sir James thought it shameful and unjustifiable to proceed against the 224, that should make it honourable or just to pursue the 225th? Sir James Lowther and your Lordship have allowed that all traces of this detested grant should be obliterated with respect to every suit commenced, one only excepted. Have you tried those suits? Have you heard their respective merits? Can you distinguish between them, and say this man should be quieted; that man ought to be harassed and oppressed? Yet you have said so;—for the Duke of Portland is an exception to all cases. He is not fit to have the benefit of that law (created by the severity of his particular case) which every other Englishman does actually enjoy. He ought to stand branded and exposed to all posterity: He shall be attainted by name: He must fall the single victim, and be made the only sacrifice for the peace and quiet of this country.

"Let us then hear no more of the objection of parliamentary interposition pendente lite, by an ex post facto Law. Your Lordship heard in the proper place, and could not re-

 fute,

both?—Is the union of *Blifil* and *Black George* no longer a *romance?*—From whatever origin your influence in this country arises, it is a

fute, the many precedents of laws made ex post facto upon urgent occasions. Your Lordship could not then, nor will now deny, that when parliaments have interfered to protect the subject against oppressive grants, they have always done it; they must ever do it pendente lite. Till the grant is put in suit, no grievance can be said to exist. The prosecutions under it are the very grievance which parliament interposes to redress. Such was the view, and such was the effect of the Bill for the general quiet of the subject in King James's time, and which Sir George Savile's was intended to pursue.--But, my Lord, you cannot avail yourself of the argument. The concession of Sir James Lowther has alone defeated it.

"A grant is passed, affecting in it's consequences the rights of 225 persons. By a law that should be made ex post facto, pendente lite, you would deem it honourable and just to restrain Sir James Lowther from proceeding in 224 of these suits. It remains for your Lordship to satisfy the world that it is honourable and just that he should proceed in the 225th. You must do more.—You must prove that it will not be both dishonourable and unjust if he do, or if he be suffered to proceed in it."

In order to relieve the Duke of Portland from the suit of Sir James Lowther; another explanatory Bill was introduced into the House of Commons in Feb. 7, 1771, by which the clause in favour of Sir James Lowther was to be repealed: the question was lost on the third reading by 164 in behalf of the clause, against 155 in opposition to it.

The reader will nevertheless rejoice to hear that the crown, on the part of Sir James Lowther, was nonsuited in the court

of

phænomenon in the history of human virtue and understanding.—Good men can hardly believe the fact. Wise men are unable to account

of Exchequer, though it had triumphed in the House of Commons. The following short statement of this celebrated trial is taken from the Public Advertiser, Nov. 22, 1771. "Wednesday came on before the Barons of the Exchequer, at Westminster Hall, the great cause between Sir James Lowther, Bart. plaintiff, and the Duke of Portland, defendant, in consequence of a grant made to Sir James Lowther of the forest of Inglewood, in the year 1767, of lands being for upwards of seventy years in the possession of the Duke of Portland. Their Lordships came into court about nine o'clock, and after waiting near an hour for Baron Adams, the chief Baron received a letter from his Lordship, informing him of the impossibility of his attending the Court that day, on account of the death of Lady Adams. The court then entered into the business of the day, and recited all the records and prerogatives of the crown, from Edward the first to the lease made to Sir James Lowther; when, after a full, candid, and most impartial examination of the said lease, it was found invalid, agreeable to the statute made in the first year of Queen Anne, which recites "that upon every grant, lease, or assurance, there be reserved a reasonable rent, not being under the third part of the clear yearly value of such of the said manors, messuages, lands, &c. &c. as shall be contained in such lease or grant." Sir James Lowther's grant from the crown being only a quit rent of 13s. and 4d. for the whole forest of Inglewood, was immediately judged by the Court an *inadequate third proportion*, and he was nonsuited accordingly."

See the whole transaction more fully expatiated upon in Miscellaneous Letters signed Mnemon. EDIT.

for it. Religious men find exercise for their faith, and make it the last effort of their piety, not to repine against Providence.

JUNIUS*.

* To this Letter the following answer was returned, which, as it proves JUNIUS to have been mistaken as to the facts relative to Whittlebury Forest, is here inserted on the score of impartiality.

FOR THE PUBLIC ADVERTISER.

The STORY of the OAKS addressed to the Public and to JUNIUS.

The principles upon which JUNIUS fabricates all his declamations to the public, have been fairly unmasked, and plainly exhibited in two former Letters.—They need only an exposure to nullify every thing he promulgates, and render him abominable in the eyes of common-sense and honesty.—But to follow so gross a falsifier through the infinity of his wicked libels and virulent attacks upon the King, and many of the worthiest characters in the nation, is a task too foul for any gentleman to undertake.—Suffice it therefore to observe, that JUNIUS's labours all tend to sinister ends, and they are glossed over with a high varnish only to conceal the coarseness of the design.—Men, and not measures are his aim.—He avails himself of the unhappy licentiousness of the times, and levels all his rhetoric at your passions, not at your reason.

He began his career upon the old infamous maxim in political writing, that lies are swifter of foot than truth, and when they are roundly and boldly asserted will find believers; but luckily for us, that left-handed wisdom called cunning, always detects and frustrates itself.

The last charge which he has blazoned in such fiery colours against the Duke of Grafton relative to the Oaks, may serve as a specimen of his veracity.—The fact is in no one instance as he has represented it.—An officer was sent down by the com-

LETTER LVIII.

ADDRESSED TO THE LIVERY OF LONDON.

GENTLEMEN, 30 *Sept.* 1771.

If *you* alone were concerned in the event of the present election of a chief magi-

missioners of the navy (as he declared) to inspect the timber in Salcey and Whittlebury Forests in Northamptonshire; and was ordered to make a return of what he found fit for the purposes of ship building.—He accordingly marked upwards of four thousand trees in the latter, which are almost all that deserve the name of timber in the whole forest.—In consequence of his return an application was made to the treasury for permission to cut down thirteen hundred loads—and to make a just parody upon Junius's own words, " to them who know Lord North it is unnecessary to say that he was very ready to give his assent;" as the advancement of every public good has ever been the invariable rule of his Lordship's conduct.—But it was never intended nor suspected that it would be carried into a rash unseasonable execution; without due regard being first paid to the circumstances attendant upon such an operation; nor was the exigency so urgent as to warrant a flagrant violation of private property; which the adjacent parishes must have suffered in their right of commonage, and the Duke in his hereditary right to the underwood, had he not remonstrated against it.—Besides the season for felling timber was so far past, that the bark (which is a valuable article, and will never run except in April or May while the sap is rising) would have been entirely lost.—But there is another argument to be adduced still more cogent than all the rest, it being a great national concern, which is to preserve the succession of young trees.—This can only be done by carefully clearing away the

common

strate of the metropolis, it would be the highest presumption, in a stranger, to attempt to influence your choice, or even to offer you his opinion. But the situation of public affairs has annexed an extraordinary importance to your resolutions. You cannot, in the choice of your

common underwood so as to expose them to plain view, otherwise they would be inevitably demolished, partly by the falling of the trees, and partly by the carelessness of workmen, as they grow mostly under them from the acorns which drop. —There is an established and legal rule against cutting the underwood oftener than once in twenty-one years; for nine years after it is cut, the same regulation prescribes that the respective coppices shall be fenced in to prevent the cattle and deer from destroying the young tender shoots; during which time the vicinage is deprived of the pasture; and for the remaining twelve years of that term, the neighbouring villages have a positive right of common. Underwood is as necessary to draw young trees up straight, and produce good timber, as a hot-bed is for raising melons and mushrooms.—There are many secondary considerations which ought to have their weight, though it is not requisite after what has been advanced, to swell this narrative by enumerating them.—Without deliberating upon these essential points, so ardent was the zeal of the surveyor-general for the public service (for the trifling perquisites of the lop and chips, amounting to little more than half the value of the timber, cannot be deemed a sufficient incentive for committing such a depredation), that he immediately dispatched a person unauthorized to hack and hew, without the least previous intimation being given to the hereditary ranger, deputy ranger, or the king's woodward. In opposition to all this strange precipitancy and irregularity,

 the

magistrate, determine for *yourselves only*.—You are going to determine upon a point, in which every member of the community is interested.—I will not scruple to say, that the very being of that law, of that right, of that constitution, for which we have been so long contending, is now

the Duke of Grafton did no more than interpose a candid representation of the case; which wisely put a stop to such unjust proceedings.—He never once made use of those absurd declarations which JUNIUS has so invidiously put in his mouth, "that the property of the timber was vested in the ranger." —And to retort a few more of his own precious words, he must here be "contradicted in the face of the public directly upon the fact.—The very reverse of what he has asserted is the truth"—for neither the present duke nor his predecessor ever allowed a single stick of timber to be cut down, for any purpose, without first having obtained a regular order from the treasury—on the contrary (as it has been heretofore justly remarked) it has been preserved for the use of the public, with an attention and integrity not to be parallelled in any other royal forest.

For the better convenience of supplying the industrious poor of the circumjacent country with firing, it has been always a custom to arrange the coppices in a regular progression so as to cut two or more annually.—There are however two coppices (which contain a great quantity of fine timber) exempt from commonage; and as none of the stated periods for the others are yet expired, though they are too young, yet rather than withhold the wood from the navy, the Duke has given orders for fencing and clearing them, which will be effected long ere the proper season arrives for felling the trees—The rest will be cut as they fall in course.—"Mr. JUNIUS, this

is

at stake. They, who would ensnare your judgment, tell you, it is a *common*, *ordinary* case, and to be decided by ordinary precedent and practice. They artfully conclude, from moderate peaceable times, to times which *are not* moderate, and which *ought not* to be peaceable. —While they solicit your favour, they insist upon a rule of rotation, which excludes all idea of election*.

is fact not declamation."—The oaks will come down; the King will not be defrauded; nor will the navy of England perish for want of them!

How must it scandalize all our patriots that their omniscient JUNIUS should discover such consummate ignorance, as to be reduced to the necessity of examining the original grant, to inform himself of a notorious point, which he might have learned from every attorney's clerk throughout the kingdom; nay even from Brass Crosby, who was only a menial servant to an attorney, "that the timber in royal forests is reserved for the use of the crown?"

This I say may serve for a damning proof of JUNIUS's veracity—and all his slanderous productions are equally refutable and false.—In the abundance of his modesty, he has some where told us that his writings will be handed down to posterity like the bible!—It is needless for me to censure his irreverent comparison; nor will I altogether deny his prediction; for while the bible endures as a monument of truth, his writings may stand in odious contrast as a monument of lies.

EDIT. PHILALETHES.

* By the ordinary rotation of office, the mayoralty of the ensuing year, it was well known, would pass into the hands of Alderman Nash, whose political views concurred with those of the existing administration: and the object of the present

Letter

Let me be honoured with a few minutes of your attention.—The question, to those who mean fairly to the liberty of the people, (which we all profess to have in view) lies within a very narrow compass.—Do you mean to desert that just and honourable system of measures which you have hitherto pursued, in hopes of obtaining from parliament or from the crown, a full redress of past grievances, and a security for the future?—Do you think the cause desperate, and will you declare, that you think so to the whole people of England?—If this be your meaning and opinion, you will act consistently with it, in choosing Mr. *Nash.*—I profess to be unacquainted with his private character. But he has acted as a magistrate,—as a public man. —As such I speak of him.—I see his name in a protest against one of your remonstrances to the crown.—He has done every thing in his

Letter therefore is to persuade the Livery to overlook Mr. Nash, and by an extraordinary exercise of their election franchise, to return Mr. Crosby or Mr. Sawbridge in his stead, whose politics were well known to be of the Whig school. But the divisions which had been introduced into the Bill of Rights Society, through the vanity of Oliver and Horne, had now spread to the city, and almost ruined the popular cause. Many were suspicious of the purity of its leaders—and still more were grown indifferent as to its result.—The motives urged by JUNIUS and his party were not deemed of sufficient importance to violate an established custom, and Mr. Nash was elected Lord Mayor. EDIT.

power to destroy the freedom of popular elections in the city, by publishing the poll upon a former occasion; and I know, in general, that he has distinguished himself, by slighting and thwarting all those public measures, which *you* have engaged in with the greatest warmth, and hitherto thought most worthy of your approbation.—From his past conduct what conclusion will you draw, but that he will act the same part as *Lord Mayor*, which he has invariably acted as *Alderman* and *Sheriff?* He cannot alter his conduct, without confessing that he never acted upon principle of any kind.—I should be sorry to injure the character of a man, who perhaps may be honest in his intention, by supposing it *possible*, that he can ever concur with you in any political measure, or opinion.

If, on the other hand, you mean to persevere in those resolutions for the public good, which, though not always successful, are always honourable, your choice will naturally incline to those men, who, (whatever they be in other respects,) are most likely to co-operate with you in the great purposes which you are determined not to relinquish:—The question is not, of what metal your instruments are made, but *whether they are adapted to the work you have in hand?* The honours of the city, *in these times*, are improperly, because exclusively, called a *reward.*

You mean not merely to *pay*, but to *employ*.—Are Mr. *Crosby* and Mr. *Sawbridge* likely to execute the extraordinary, as well as the ordinary duties of Lord Mayor?—Will they grant you common halls when it shall be necessary?—Will they go up with remonstrances to the King?—Have they firmness enough to meet the fury of a venal House of Commons?—Have they fortitude enough not to shrink at imprisonment?—Have they spirit enough to hazard their lives and fortunes in a contest, if it should be necessary, with a prostituted legislature?—If these questions can fairly be answered in the affirmative, your choice is made. Forgive this passionate language.—I am unable to correct it.—The subject comes home to us all.—It is the language of my heart*.

JUNIUS.

LETTER LIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 5 *October*, 1771.

No man laments, more sincerely than I do, the unhappy differences, which have arisen among the friends of the people, and divided them from each other. The cause undoubtedly suffers, as well by the diminution of

* See Private Letters, Nos. 56 and 63. EDIT.

that strength, which union carries with it, as by the separate loss of personal reputation, which every man sustains, when his character and conduct are frequently held forth in odious or contemptible colours.——These differences are only advantageous to the common enemy of the country.—The hearty friends of the cause are provoked and disgusted.—The lukewarm advocate avails himself of any pretence to relapse into that indolent indifference about every thing that ought to interest an Englishman, so unjustly dignified with the title of moderation.——The false, insidious partisan, who creates or foments the disorder, sees the fruit of his dishonest industry ripen beyond his hopes, and rejoices in the promise of a banquet, only delicious to such an appetite as his own.—It is time for those, who really mean the *Cause* and the *People**, who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of personal animosities,—it is time for such men to interpose.—Let us try whether these fatal dissensions may not yet be reconciled; or, if that be impracticable, let us guard at least against the worst effects of division, and endeavour to persuade these furious partisans,

* See Private Letter, No. 62. EDIT.

if they will not consent to draw together, to be separately useful to that cause, which they all pretend to be attached to.—Honour and honesty must not be renounced, although a thousand modes of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Christianity may still be preserved, though every zealous sectary adheres to his own exclusive doctrine, and pious Ecclesiastics make it part of their religion to persecute one another.——The civil constitution too, that legal liberty, that general creed, which every Englishman professes, may still be supported, though Wilkes, and Horne, and Townshend, and Sawbridge, should obstinately refuse to communicate, and even if the fathers of the church, if Savile, Richmond, Camden, Rockingham, and Chatham, should disagree in the ceremonies of their political worship, and even in the interpretation of twenty texts in Magna Charta.—I speak to the people as one of the people.—Let us employ these men in whatever departments their various abilities are best suited to, and as much to the advantage of the common cause, as their different inclinations will permit. They cannot serve *us*, without essentially serving themselves.

If Mr. *Nash* be elected, he will hardly venture, after so recent a mark of the personal

esteem of his fellow-citizens, to declare himself immediately a courtier. The spirit and activity of the Sheriffs will, I hope, be sufficient to counteract any sinister intentions of the Lord Mayor. In collision with *their* virtue, perhaps he may take fire.

It is not necessary to exact from Mr. Wilkes the virtues of a Stoic. *They* were inconsistent with themselves, who, almost at the same moment, represented him as the basest of mankind, yet seemed to expect from him such instances of fortitude and self-denial, as would do honour to an apostle. It is not however flattery to say, that he is obstinate, intrepid, and fertile in expedients.—That he has no possible resource, but in the public favour, is, in my judgment, a considerable recommendation of him. I wish that every man, who pretended to popularity, were in the same predicament. I wish that a retreat to St. James's were not so easy and open, as Patriots have found it. To Mr. Wilkes there is no access. However he may be misled by passion or imprudence, I think he cannot be guilty of a deliberate treachery to the public. The favour of his country constitutes the shield, which defends him against a thousand daggers. —Desertion would disarm him.

I can more readily admire the liberal spirit and integrity, than the sound judgment of any

man, who prefers a republican form of government, in this or any other empire of equal extent, to a monarchy so qualified and limited as ours. I am convinced, that neither is it in theory the wisest system of government, nor practicable in this country. Yet, though I hope the English constitution will for ever preserve its original monarchical form, I would have the manners of the people purely and strictly republican.—I do not mean the licentious spirit of anarchy and riot.—I mean a general attachment to the common weal, distinct from any partial attachment to persons or families;—an implicit submission to the laws only, and an affection to the magistrate, proportioned to the integrity and wisdom, with which he distributes justice to his people, and administers their affairs. The present habit of our political body appears to me the very reverse of what it ought to be. The form of the constitution leans rather more than enough to the popular branch; while in effect, the manners of the people (of those at least who are likely to take a lead in the country) incline too generally to a dependance upon the crown. The real friends of arbitrary power combine the facts, and are not inconsistent with their principles, when they strenuously support the unwarrantable privileges assumed by the House of Commons.—In these circumstances,

it were much to be desired, that we had many such men as Mr. Sawbridge to represent us in parliament.—I speak from common report and opinion only, when I impute to him a speculative predilection in favour of a republic.—In the personal conduct and manners of the man, I cannot be mistaken. He has shewn himself possessed of that republican firmness, which the times require, and by which an English gentleman may be as usefully and as honourably distinguished, as any citizen of ancient Rome, of Athens, or Lacedæmon.

Mr. Townshend complains, that the public gratitude has not been answerable to his deserts. —It is not difficult to trace the artifices, which have suggested to him a language, so unworthy of his understanding. A great man commands the affections of the people. A prudent man does not complain when he has lost them. Yet they are far from being lost to Mr. Townshend. He has treated our opinion a little too cavalierly. A young man is apt to rely too confidently upon himself, to be as attentive to his mistress, as a polite and passionate lover ought to be. Perhaps he found her at first too easy a conquest.—Yet, I fancy, she will be ready to receive him, whenever he thinks proper to renew his addresses. With all his youth, his spirit, and his appearance,

it would be indecent in the lady to solicit his return.

I have too much respect for the abilities of Mr. Horne, to flatter myself that these gentlemen will ever be cordially re-united. It is not, however, unreasonable to expect, that each of them should act his separate part, with honour and integrity to the public.—As for differences of opinion upon speculative questions, if we wait until *they* are reconciled, the action of human affairs must be suspended for ever. But neither are we to look for perfection in any one man, nor for agreement among many.——When *Lord Chatham* affirms, that the authority of the British legislature is not supreme over the colonies, in the same sense in which it is supreme over Great Britain;——when *Lord Camden* supposes a necessity, (which the King is to judge of) and, founded upon that necessity, attributes to the crown a legal power (not given by the act itself) to suspend the operation of an act of the legislature,—I listen to them both with diffidence and respect, but without the smallest degree of conviction or assent. Yet, I doubt not, they delivered their real sentiments, nor ought they to be hastily condemned.—I *too* have a claim to the candid interpretation of my country, when I acknowledge an involuntary compulsive assent

to one very unpopular opinion. I lament the unhappy necessity, whenever it arises, of providing for the safety of the state, by a temporary invasion of the personal liberty of the subject*. Would to God it were practicable to reconcile these important objects, in every possible situation of public affairs!—I regard the legal liberty of the meanest man in Britain, as much as my own, and would defend it with the same zeal. I know we must stand or fall together. But I never can doubt, that the community has a right to command, as well as to purchase, the service of its members. I see that right founded originally upon a necessity, which supersedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. I conclude there is no remedy, in the nature of things, for the grievance complained of; for, if there were, it must long since have been redressed. Though numberless opportunities have presented themselves, highly favourable to public liberty, no successful attempt has ever been made for the relief of the subject in this article. Yet it has been felt and complained of, ever since England had a navy.—The conditions, which constitute this

* He alludes to the practice of impressing men for sea-service: the legality of which he allows, but confines it to sea-faring men alone. EDIT.

right, must be taken together. Separately, they have little weight. It is not fair to argue, from any abuse in the execution, to the illegality of the power; much less is a conclusion to be drawn from the navy to the land service. A seaman can never be employed but against the enemies of his country*. The only case in

* At the time when the dispute between this country and Spain existed, relative to Falkland's Islands, for a brief account of which, see note to Miscellaneous Letters, No. LXXXVIII. under a persuasion that war was inevitable, an armament took place, and press-warrants were issued. The legality of these, in regard to the city, though backed by the Lord Mayor, was questioned by Mr. Wilkes, and several other aldermen, who discharged all persons brought before them so impressed. In consequence of these discordant views of the subject, the three following questions were submitted, by the Lord Mayor, to the opinion of three of the most celebrated counsel of the day, which, together with their answers, it has been thought right to subjoin.

Query 1. May the Lords of the Admiralty of themselves, by virtue of their commission, or under the direction of the Privy Council, legally issue warrants for the impressing of seamen?

Q. 2. If yea, is the warrant annexed in point of form legal?

Q. 3. Is the Lord Mayor compellable to back such warrants? if he is, what may be the consequence of a refusal?

"The power of the crown to compel persons pursuing the employment and occupation of seamen to serve the public in times of danger and necessity, which has its foundation in that universal principle of the laws of all countries, that all private interest must give way to the public safety, appears

which the King can have a right to arm his subjects in general, is that of a foreign force being actually landed upon our coast. Whenever that case happens, no true Englishman will enquire, whether the King's right to compel him to defend his country be the custom of England, or a grant of the legislature. With regard to the press for seamen, it does not follow that the symptoms may not be softened, although

appears to us to be well established by ancient and long continued usage, frequently recognized; and in many instances, regulated by the legislature, and noticed at least without censure by courts of justice; and we see no objection to this power being exercised by the Lords of the Admiralty under the authority of his Majesty's orders in council.

" The form of the warrant, as well as the manner in which such warrants have been usually executed, appear to us to be liable to many considerable objections; but the nature of those objections lead us to think it the more expedient, that the authority of a civil magistrate should interpose in the execution of them to check and controul the abuses to which they are liable; and, therefore, although we do not think that the Lord Mayor is compellable to back the warrants, or liable to any punishment in case of his refusal, we think it right to submit it to his Lordship's consideration, whether it will not be more conducive to the preservation of the peace of the city, and the protection of the subject from oppression, if he conforms, in this instance, to what we understand to have been the practice of most of his predecessors upon the like occasion.

AL. WEDDERBURN,
J. GLYNN,
J. DUNNING." EDIT.

November 22nd, 1770.

the distemper cannot be cured. Let bounties be increased as far as the public purse can support them*. Still they have a limit; and when every reasonable expense is incurred, it will be found, in fact, that the spur of the press is wanted to give operation to the bounty.

Upon the whole, I never had a doubt about the strict right of pressing, until I heard that Lord Mansfield had applauded Lord Chatham for delivering something like this doctrine in the House of Lords. That consideration staggered me not a little. But, upon reflection, his conduct accounts naturally for itself. He knew the doctrine was unpopular, and was eager to fix it upon the man, who is the first object of his fear and detestation. The cunning Scotchman never speaks truth without a fraudulent design. In council, he generally affects to take a moderate part. Besides his natural timidity, it makes part of his political plan, never to be known to recommend violent measures. When the guards are called forth to murder their fellow-subjects, it is not by the ostensible advice of Lord Mansfield. That odious office, his prudence tells him, is better left to such men as Gower and Weymouth, as Barrington and Grafton. Lord Hills-

* This suggestion of the author was adopted by the cities of London, Bristol, and Edinburgh; and the towns of Montrose, Aberdeen, Cambletown and Lynn. EDIT.

borough wisely confines *his* firmness to the distant Americans.—The designs of Mansfield are more subtle, more effectual, and secure.—Who attacks the liberty of the press?—Lord Mansfield.—Who invades the constitutional power of juries?—Lord Mansfield.—What judge ever challenged a juryman, but Lord Mansfield?—Who was that judge, who, to save the King's brother, affirmed that a man of the first rank and quality, who obtains a verdict in a suit for criminal conversation, is entitled to no greater damages than the meanest mechanic?—Lord Mansfield.—Who is it makes commissioners of the great seal?—Lord Mansfield.—Who is it forms a decree for those commissioners, deciding against Lord Chatham*, and afterwards (finding himself opposed by the judges) declares in parliament, that he never had a doubt that the law was in direct opposition to that decree?—Lord Mansfield.—Who is he, that has made it the study and practice of his life, to undermine and alter the whole system of jurisprudence in the court of King's Bench?—Lord Mansfield. There never existed a man but himself, who answered exactly to so complicated a description. Compared to these enormities, his original

* On the Burton Pyn-ent estate, which was disputed by the relatives of the deceased with the Earl of Chatham. See note p. 378. EDIT.

attachment to the Pretender, (to whom his dearest brother was confidential secretary) is a virtue of the first magnitude. But the hour of impeachment *will* come, and neither he nor Grafton shall escape me. Now let them make common cause against England and the house of Hanover. A Stuart and a Murray should sympathise with each other.

When I refer to signal instances of unpopular opinions delivered and maintained by men, who may well be supposed to have no view but the public good, I do not mean to renew the discussion of such opinions. I should be sorry to revive the dormant questions of *Stamp-act*, *Corn-bill*, or *Press-warrant*. I mean only to illustrate one useful proposition, which it is the intention of this paper to inculcate;—*That we should not generally reject the friendship or services of any man, because he differs from us in a particular opinion*. This will not appear a superfluous caution, if we observe the ordinary conduct of mankind. In public affairs, there is the least chance of a perfect concurrence of sentiment or inclination. Yet every man is able to contribute something to the common stock, and no man's contribution should be rejected. If individuals have no virtues, their vices may be of use to us. I care not with what principle the new-born patriot is animated, if the measures

he supports are beneficial to the community. The nation is interested in his conduct. His motives are his own. The properties of a patriot are perishable in the individual, but there is a quick succession of subjects, and the breed is worth preserving.—The spirit of the Americans may be an useful example to us. Our dogs and horses are only English upon English ground; but patriotism, it seems, may be improved by transplanting.—I will not reject a bill, which tends to confine parliamentary privilege within reasonable bounds, though it should be stolen from the house of Cavendish, and introduced by Mr. Onslow. The features of the infant are a proof of the descent, and vindicate the noble birth, from the baseness of the adoption.—I willingly accept of a sarcasm from *Colonel Barré*, or a simile from *Mr. Burke*. Even the silent vote of *Mr. Calcraft* is worth reckoning in a division.—What though he riots in the plunder of the army, and has only determined to be a patriot, when he could not be a peer*? Let us

* Calcraft was introduced into political notice by Lord Holland, to whom he had been private secretary, and afterwards accumulated an immense private property, by becoming army agent. He subsequently deserted his patron, and strove to obtain a peerage from administration. He died without having obtained his object. One of his mistresses was the celebrated George Ann Bellamy. EDIT.

profit by the assistance of such men, while they are with us, and place them, if it be possible, in the post of danger, to prevent desertion. The wary *Wedderburne*, the pompous *Suffolk**, never threw away the scabbard, nor ever went upon a forlorn hope. They always treated the King's servants as men, with whom, some time or other, they might possibly be in friendship. ——When a man who stands forth for the public, has gone that length, from which there is no practicable retreat,—when he has given that kind of personal offence, which a pious monarch never pardons, I then begin to think him in earnest, and that he will never have occasion to solicit the forgiveness of his country. —But instances of a determination so entire and unreserved are rarely met with. Let us take mankind *as they are*. Let us distribute the virtues and abilities of individuals, according to the offices they affect, and when they quit the service, let us endeavour to supply their places with better men than we have lost. In this

* In allusion to his Lordship's manner. Yet it must also be recollected that he headed the renegado Whigs who deserted to the ministry on the death of George Grenville. See Miscellaneous Letters, No. XCIV. and XCV. in which his Lordship's conduct is reprobated in very severe terms, particularly so in the latter. EDIT.

country, there are always candidates enough for popular favour. The temple of *fame* is the shortest passage to riches and preferment.

Above all things, let me guard my countrymen against the meanness and folly of accepting of a trifling or moderate compensation for extraordinary and essential injuries. Our enemies treat us, as the cunning trader does the unskilful Indian. They magnify their generosity, when they give us baubles, of little proportionate value, for ivory and gold. The same House of Commons, who robbed the constituent body of their right of free election, who presumed to *make* a law under pretence of *declaring* it*, who paid our good King's debts, without once enquiring how they were incurred; who gave thanks for repeated murders committed at home, and for national infamy incurred abroad; who screened *Lord Mansfield*; who imprisoned the magistrates of the metropolis, for asserting the subject's right to the protection of the laws; who erased a judicial record, and ordered all proceedings in a criminal suit to be suspended†; —this very House of Commons have graciously

* The *Nullum Tempus* bill which was passed in the year 1769. EDIT

† For a further explanation on this subject, see note to Miscellaneous Letters, No. XCII. EDIT.

consented, that their own members may be compelled to pay their debts, and that contested elections shall for the future be determined with some decent regard to the merits of the case. The event of the suit is of no consequence to the crown. While parliaments are septennial, the purchase of the sitting member or of the petitioner makes but the difference of a day. —Concessions, such as these, are of little moment to the sum of things; unless it be to prove, that the worst of men are sensible of the injuries they have done us, and perhaps to demonstrate to us the imminent danger of our situation. In the shipwreck of the state, trifles float and are preserved; while every thing solid and valuable sinks to the bottom, and is lost for ever.

JUNIUS.

LETTER LX.

TO THE PRINTER OF THE PUBLIC ADVERTISER,

SIR, 15 *October*, 1771.

I AM convinced that JUNIUS is incapable of wilfully misrepresenting any man's opinion, and that his inclination leads him to treat *Lord Camden* with particular candour and respect. The doctrine attributed to him by

JUNIUS, as far as it goes, corresponds with that stated by our correspondent *Scævola* *, who seems to me to make a distinction without a difference. *Lord Camden*, it is agreed, did certainly maintain that, in the recess of parliament, the King, (by which we all mean the *King in council*, or the executive power) might suspend the operation of an act of the legislature; and he founded his doctrine upon a supposed necessity, of which the King, *in the first instance*, must be judge. The Lords and Commons cannot be judges of it in the first instance, for they do not exist.—Thus far JUNIUS.

* The letter of Scævola here referred to, occurs in the Public Advertiser of October 12, and is as follows:

TO JUNIUS.

SIR,

You have mistaken Lord Camden's opinion, and changed it into as weak and mischievous a tenet as could have proceeded from Scroggs or Jefferies. You have made it the counterpart of the ship-money doctrine. In this representation you follow Lord Mansfield, who gave that colour to the argument in the House of Lords. The great point of difference between the *representation* and the *truth* is, that the former makes Lord Camden pronounce the King judge of the necessity, and the latter, viz. my Lord Camden's real speech makes parliament the judge of it, and exposes the head of the minister who advised the illegal act upon the plea of its necessity to the mercy of parliament. Lord Camden's opinion, which I heard him twice deliver in the House of Lords, was this:—

But, says *Scævola*, *Lord Camden* made *parliament*, and not the *King*, judges of the necessity.—That parliament may review the acts of ministers is unquestionable; but there is a wide difference between saying that the crown has a *legal* power, and, that ministers may act *at their peril*. When we say an act is *illegal*, we mean that it is forbidden by a joint resolution of the three estates. How a subsequent resolution of two of those branches can make it *legal ab initio*, will require explanation. If it could, the consequence would be truly dreadful, especially in these times. There is no act of arbitrary power,

That "if the King should, in the recess of parliament, issue a proclamation, directing a step to be taken flat against a subsisting law, and at the next meeting of parliament, the step should appear *to them* to have been necessary for the good of the state, *their* declaration of that necessity would operate as a retrospect, so as to make the act legal *ab initio*,"—(which is an idea countenanced by Mr. *Locke*.)

That this was the scope and tenor of the noble Lord's argument, I appeal to himself and all that heard him.—Whether the opinion, so restored, be or be not erroneous in point of law, is a question foreign to this letter, which has no other view but to convince the public, that his Lordship never delivered that pernicious and foolish opinion which JUNIUS, by mistake, and Lord Mansfield, by the basest misrepresentation, has imputed to him.

SCÆVOLA.

For JUNIUS's opinion of this writer, see the Note to Private Letters, No. 47. EDIT.

which the King might not attribute to *necessity*, and for which he would not be secure of obtaining the approbation of his prostituted lords and commons. If Lord *Camden* admits that the subsequent sanction of parliament was necessary to make the proclamation *legal*, why did he so obstinately oppose the bill, which was soon after brought in, for indemnifying all those persons who had acted under it?—If that bill had not been passed, I am ready to maintain, in direct contradiction to Lord Camden's doctrine, (taken as *Scævola* states it) that a litigious exporter of corn, who had suffered in his property in consequence of the proclamation, might have laid his action against the custom-house officers, and would infallibly have recovered damages. No jury could refuse them; and if I, who am by no means litigious, had been so injured, I would assuredly have instituted a suit in Westminster-hall, on purpose to try the question of right. I would have done it upon a principle of defiance of the pretended power of either or both houses to make declarations inconsistent with law, and I have no doubt, that, with an act of parliament on my side, I should have been too strong for them all. This is the way, in which an Englishman should speak and act, and not suffer dangerous precedents to be established,

because the circumstances are favourable or palliating.

With regard to Lord *Camden*, the truth is, that he inadvertently over-shot himself, as appears plainly by that unguarded mention of a *tyranny of forty days*, which I myself heard. Instead of asserting that the proclamation was *legal*, he *should* have said, "My Lords, I know the proclamation was *illegal*, but I advised it because it was indispensably necessary to save the kingdom from famine, and I submit myself to the justice and mercy of my country."

Such language as this would have been manly, rational, and consistent :—not unfit for a lawyer, and every way worthy of a great man.

PHILO JUNIUS.

P. S. If *Scævola* should think proper to write again upon this subject, I beg of him to give me a *direct* answer, that is, a plain affirmative or negative, to the following questions :—In the interval between the publishing such a proclamation (or order of council) as that in question, and its receiving the sanction of the two houses, of what nature is it—is it *legal* or *illegal ;* or is it neither one nor the other ?—I mean to be candid, and will point out to him the consequence of his answer either way.—If it be *legal*, it wants no farther sanction. If it be *illegal*, the

subject is not bound to obey it, consequently it is a useless, nugatory act, even as to its declared purpose. Before the meeting of parliament, the whole mischief, which it means to prevent, will have been completed *.

* The following extract of a subsequent letter from Scævola, inserted in the Public Advertiser, October 24, 1771, proves sufficiently that this writer at last admitted Lord Camden to have maintained an erroneous doctrine.

" My Lord Camden certainly thought the vote of the two houses *in this case* equivalent to a parliamentary declaration: he also thought such declaration made the act (illegal before) legal *ab initio*. Now as Lord Camden is no patron of mine, I am free to declare, that I am satisfied he was wrong in both those points on the foot of strict law; that he was wrong upon his conviction JUNIUS himself has once admitted; and that he was wrong upon fair and rational, though not satisfactory, grounds, will appear to every man of good understanding. The shade between his erroneous doctrine and the true one, being in sense and reason hardly distinguishable; both doctrines admit the proclamation to be illegal, and at the minister's peril till the meeting of parliament. Both doctrines admit the two houses of parliament (in this or that mode) sole judges of the necessity. Both doctrines agree in exposing the minister to impeachment, if the two houses of parliament should decide against his plea of necessity. Whether upon the declaration of necessity the act becomes good in law *ab initio*, or not, is the only question. *Locke* (no Tory) holds the affirmative. The law, in my opinion, strictly taken, is in the negative; for I conceive that nothing but an indemnity-bill could justify the crown for having superseded a positive act of parliament."

To these remarks JUNIUS, on the following day, puts the subjoined questions :—

LETTER LXI.

TO ZENO *.

SIR, 17 *October*, 1771.

THE sophistry of your letter in defence of *Lord Mansfield* is adapted to the character you defend. But *Lord Mansfield* is a man of

1st. " In what part of Mr. Locke's writings is it maintained that the King may suspend an act of parliament, and that the subsequent approbation of the two Houses makes the suspension *legal ab initio*, or to that effect.

2d. " Does Scævola think that an act of the whole legislature is as easily obtained and completed, as a vote of the Lords or Commons."—The rest is a dispute about words not worth continuing. EDIT.

* The letter of Zeno here referred to occurs in the Public Advertiser, dated October 15, 1771, and is addressed " To JUNIUS, alias Edmund the Jesuit of St. Omer's." This writer, however, was not the only one of the same period who erred in attributing the Letters of JUNIUS to Mr. Burke. See Preliminary Essay; in which the reasons for disbelieving that gentleman to have been the author of them, are more particularly given.

As JUNIUS thought Zeno's letter worthy of a reply, the reader may not think it unworthy of a perusal. It is as follows:

SIR,

YOUR letter of the 8th is a greater miracle than any you have hitherto produced. I do not mean in its argument, language, and arrangement. In these particulars you have been invested with a creative power, and whatever you are pleased to bring forth, is not for us to approve, but to admire: but, Sir, your letter of the 8th is not written in the single spirit of calumny; you have now turned the efforts which formerly

form, and seldom in his behaviour transgresses the rules of decorum. I shall imitate his Lordship's good manners, and leave *you* in full possession of his principles. I will not call you *liar*, *jesuit*, or *villain;* but, with all the politeness imaginable, perhaps I may prove you so.

formerly were exerted in creating divisions amongst the good, to cement those which never fail to arise amongst the bad. I have no objection to your success in this undertaking. Let the fathers of your church and the sons of the city unite. Let them club their arts and their powers. Let Wilkes enjoy his fertility in expedients, he will have need for it all. But neither that fertility, the republican firmness of Sawbridge; no, nor the youth, spirit, and graces of Townshend will avail to overturn the constitution, or even procure to them or to you the ultimate object of your desires—a little money.

Yet, Sir, why, in a letter professedly written to reconcile the patriots of the city, do you make a digression to abuse Lord Mansfield! Is it because of the diametrical opposition of his character to theirs? Certainly it must be so; and JUNIUS is less a fool than I believed him. Nothing more likely to reconcile rogues who rail at each other, than railing at honest men. If your dogs are of the true breed, they will leave off worrying one another, and join in the cry against the common enemy.

It is on the subject of this abuse that I take the liberty to address the mighty JUNIUS.

This phœnix of politicians and of reasoners tells the public, that " he never had a doubt about the strict right of pressing, till he knew Lord Mansfield was of the same opinion. That indeed staggered him not a little;" and to be sure it was a staggering consideration: for who is to learn that Lord Mansfield is utterly ignorant of the law? and that his judgment is avowedly so weak and perverse, that a wise politician (I mean

so

Like other fair pleaders in *Lord Mansfield's* school of justice, you answer JUNIUS by misquoting his words, and misstating his propositions. If I am candid enough to admit that this is the very logic taught at *St. Omer's*, you will readily allow that it is the constant practice in

so very wise a politician as JUNIUS) will examine no further, but at once conclude, that proposition in law to be false, which Lord Mansfield holds to be true.

Sir, when you are only puerile, blundering, inconsistent and absurd, I treat you as you deserve, with ridicule and contempt. But when you assert positive falsehoods, the mildest usage you can expect, is to have them crammed down the foul throat from which they issued. Of this nature are the questions you make, and the answers you are pleased to give to yourself in relation to Lord Mansfield. So many infamous lies as these answers contain, were never crouded together before—not even by JUNIUS. You insinuate (and you dare but insinuate) that Lord Mansfield was the secret adviser of sending out the guards when the affair of St. George's Fields happened; that his Lordship was in any shape ostensibly or otherwise concerned in that matter; that he knew of it till days after it happened, is a lie of the first magnitude; and I dare you to bring even the shadow of proof of your infamous assertion.

It is also a lie that Lord Mansfield attacks the liberty of the press. He has endeavoured, indeed, by legal and constitutional methods, to restrain the abuse of that liberty, and in doing so he has shewn himself a good citizen. Are you a politician, and ignorant that the abuse of the best things makes them degenerate into the worst? Are you a pretender to reason, and ignorant that the abuse of a valuable privilege is the certain mean to lose it? Are not you a public defamer of every respectable character in the nation? Have not you carried the licence of the press beyond the bounds not only of decency

the court of *King's Bench.*—JUNIUS *does not say*, that he never had a doubt about the strict right of pressing, *till he knew Lord Mansfield was of the same opinion.* His words are, *until he heard that Lord Mansfield had applauded Lord Chatham for maintaining that doctrine in*

cency and humanity, but even of human conception? And dare you complain that its liberty is attacked? Your reliance on the ignorance of those to whom you write must be great indeed, when you dare affirm a fact which is contradicted and proved a lie by the very affirmation of its truth.

Nor is it less false, that Lord Mansfield invades the constitutional power of juries. I refer all who are not willing to believe a lie upon the credit of a common liar, to the letters of Phileleutherus Anglicanus, and those under the signature of A Candid Enquirer, for information on this subject. The letters are in the Public Advertisers of November and December last; and from them, all who are able to form a judgment on a question of a law, will see it clearly demonstrated, that Lord Mansfield's opinion with respect to the power of juries, is no less the law of the land, than the advantage of the subject.

Your question relating to Lord Mansfield's challenging a juryman, I confess I do not understand, neither do I know to what it alludes; a charge of that nature ought to have been accompanied with circumstances of time, place, and occasion. When, where, and on what account was this done? Answer me these questions, and I pledge myself to the public, that I shall prove, to the conviction of every reasonable man, that if it was so done, it was legally done.

Your next accusation shews you no less void of judgment and consistency than of justice and truth. You accuse Lord Mansfield to the public, for saying a lord is entitled to no greater damages in a suit for debauching his wife, than a mechanic.

the House of Lords. It was not the accidental concurrence of Lord Mansfield's opinion, but the suspicious applause given by a cunning Scotchman to the man he detests, that raised and justified a doubt in the mind of JUNIUS. The question is not, whether Lord Mansfield be

chanic. Lord Mansfield did say, that in an action of damages for criminal conversation, the law did not consider the rank of the person injured; and in this he uttered not only the dictates of law, but the dictates of common sense and humanity, neither of which you seem to understand. Had Lord Mansfield said that the law did not consider the rank of the injuring person, it might have been argued that he meant to screen the King's brother: but the difference between light and darkness is not greater than between this proposition and the proposition he maintained. None but an Irish understanding could possibly take the change, or suppose them convertible propositions. But can you, JUNIUS, seriously make your court to the people, by telling them there is a wide difference between the crime of debauching the wife of a lord, and one of their own? You were bred at St. Omer's. You were destined for a church, not that indeed of which Savile, &c. are the fathers; but however a church which requires some reading. Reading the scriptures, it is true, is forbid by your canons; but surely you have heard of the prophet Nathan's address to David on a subject of this nature? The prophet, worse than Lord Mansfield, thought that debauching the wife of a poor man was a greater crime than debauching the wife of a lord; for this plain and humane reason, that a poor man's wife was his all, his only comfort and consolation, whereas a rich man had many others; yet JUNIUS, the popular JUNIUS, tells the people plainly, that debauching one of their wives is nothing in comparison of lying with a lord's, and arraigns the upright and discerning

a man of learning and abilities (which JUNIUS has never disputed,) but whether or no he abuses and misapplies his talents.

JUNIUS did *not* say that Lord Mansfield had advised the calling out the guards. On the contrary, his plain meaning is, that he left that

judge, who says that the injury to the husband is in both cases equal.

Who makes commissioners of the great seal? Lord Mansfield.—Indeed;—I thought that power had only resided in the King. To see how plain men may mistake! If you, JUNIUS, by making commissioners mean, advising the King to make commissioners, I understand you. The expression is rather inaccurate, but that one is often obliged to pass over in JUNIUS. In my turn give me leave to ask you a question. Who so proper to advise his Majesty in the choice of a law officer as Lord Mansfield?

But Lord Mansfield not only made the commissioners of the great seal: he also framed their decree, and then disavowed the decree of his own framing in the House of Peers. This is an absurd and an improbable lie. It is absurd and improbable to suppose Lord Mansfield framed a decree for three judges very capable to frame one themselves. It is more absurd to suppose Lord Mansfield would disavow the decree which he himself had made, in the presence of the three commissioners for whom he had made it, and who could so easily have detected his duplicity. And it is a direct and public lie that Lord Mansfield said he never had a doubt that the law was in direct opposition to that decree. He did not give an opinion in the House of Peers. He only stated the question; and the decree was reversed on the unanimous opinion of the eight judges who attended. For the truth of this I appeal to all who were present.

 The

odious office to men less cunning than himself.
—Whether Lord Mansfield's doctrine concerning libels be or be not an attack upon the liberty of the press, is a question, which the public in general are very well able to determine. I shall not enter into it at present. Nor

The last charge of JUNIUS represents Lord Mansfield making it his study to undermine and alter the whole system of jurisprudence in the King's Bench. One would scarcely believe that there could be an understanding so twisted, or a heart so corruptly malignant as to make that an article of accusation, which fairly taken includes in it the most exalted merit and virtue. If there be a superlatively eminent quality in Lord Mansfield's great and deserved character, it is the unremitting and unwearied efforts he constantly has made to rescue injured and oppressed innocence from the harpy fangs of chicane and quibble. The nation does him justice in this particular; and all the arts and lies, that have been employed to defame him, have never been able to stagger the public confidence in his judgment and integrity. The proof of this is in the breast of every man to whom I write; and the crowd of suitors in the court where he presides gives the most honourable testimony to the truth which I affirm, and the most palpable lie to the assertion of the abandoned JUNIUS.

And now, Sir, having answered all your questions, you are worth no further notice. I shall in my turn address a few queries to the public; and I am sorry that the temper of the times should oblige me to recall to their memory things which ought to be indelibly engraven on the heart of every Englishman.

By whose advice was it that his Majesty immediately on his accession to the throne made the judges places for life, thereby rendering them independent on King or Minister? Lord Mansfield.

do I think it necessary to say much to a man, who had the daring confidence to say to a jury,

Mansfield.—When Lord Chatham and Lord Camden attempted to revive the impious and unconstitutional doctrine of a power in the crown to dispense with the laws of the land, (which was precisely the point on which the glorious revolution hinged, and the doctrine for maintaining of which James II. lost his crown;) who stood in the breach, and with eloquence and argument, more than human, defeated the pernicious attempt? Lord Mansfield.—Who supported and carried through the House of Peers the bill called the Nullum Tempus Bill; that law by which the minds of the people were quieted against apprehension of claims on the part of the crown? Lord Mansfield.—To whom do we owe the success of the bill for restraining the privilege of parliament, of such essential service to the internal commerce of the nation, and especially to that part of it which could least afford to lie under any disadvantage, the industrious shopkeeper and tradesman? Lord Mansfield.—Who carried Mr. Grenville's last legacy to the nation through the House of Peers, that bill by which questions of elections in the House of Commons are henceforth to be tried in a manner which will prevent the injustice supposed to have been done in the Middlesex election, and guard against the bad consequences which it was feared might follow from that determination? Lord Mansfield.

I might add many other constitutional questions in which Lord Mansfield has ever been on the side of public liberty. But if what I have already said be not sufficient to vindicate the first character in the nation from the false aspersions of an unprincipled scribbler, I am bold to say, that the time is now arrived when it is unworthy of an honest man to labour for the Public; and the character of an Englishman, once so respectable, will no longer be known but by its folly and ingratitude.

EDIT. ZENO.

"Gentlemen, you are to bring in a verdict *guilty* or *not guilty*, but whether the defendant be guilty or innocent is not matter for *your* consideration." Clothe it in what language you will, this is the sum total of Lord Mansfield's doctrine. If not, let *Zeno* shew us the difference.

But it seems, *the liberty of the press may be abused*, and *the abuse of a valuable privilege is the certain means to lose it.* The *first* I admit,—but let the *abuse* be submitted to a jury, a sufficient and indeed the only legal and constitutional check upon the licence of the press. The *second*, I flatly deny. In direct contradiction to *Lord Mansfield* I affirm that "the abuse of a valuable privilege *is not* the *certain* means to lose it." If it were, the English nation would have few privileges left, for where is the privilege that has not, at one time or other, been abused by individuals. But it is false in reason and equity, that particular abuses should produce a general forfeiture. Shall the community be deprived of the protection of the laws because there are robbers and murderers?—Shall the community be punished, because individuals have offended? Lord Mansfield says so, consistently enough with his principles, but I wonder to find him so explicit. Yet, for one concession, however extorted, I confess myself obliged to him.—The liberty of the press is

after all a *valuable privilege.* I agree with him most heartily, and will defend it against him.

You ask me, What *juryman* was challenged by Lord Mansfield?—I tell you, his name was *Benson.* When his name was called, Lord Mansfield ordered the clerk to pass him by. As for his reasons, you may ask himself, for he assigned none *. But I can tell you what all men thought of it. This *Benson* † had been refractory upon a former jury, and would not accept of the law as delivered by Lord Mansfield, but had the impudence to pretend to think for himself.—But you it seems, honest *Zeno*, know nothing of the matter! You never read JUNIUS'S

* On a motion made in the House of Commons Nov. 27, 1770, by the Hon. Mr. Phipps, for leave to bring in a bill to amend the act of William the third, which empowers the attorney general to file informations *ex officio,* the late Lord, then Mr. Thurlow, solicitor general, thus defended Lord Mansfield from the charge here brought against him by JUNIUS:—"Indeed, if a juryman has been rejected without a challenge from the parties, there is room for clamour. Such an act is highly criminal. No man is able, no honest man would wish to defend it. But let us not be rash in passing sentence. Let the fact be well authenticated, before we condemn. Rumour is not a sufficient ground for proceeding. As we found it a liar in other articles, we have this reason to doubt its veracity; though I frequent Westminster-hall, I know nothing of it; but I must confess that I cannot give it the least credit. The great judge who is suspected, was incapable of such an action." EDIT.

† See Letter LXIII. *post* p. 387. EDIT.

letter to your patron! You never heard of the intended instructions from the city to impeach Lord Mansfield!—You never heard by what dexterity of *Mr. Paterson* that measure was prevented *! How wonderfully ill some people are informed!

Junius did *never* affirm that the crime, of seducing the wife of a mechanic or a peer, is not the same, taken in a moral or religious view. What he affirmed in contradiction to the levelling principle so lately adopted by Lord Mansfield was, *that the damages should be proportioned to the rank and fortune of the parties*; and for this plain reason; (admitted by every other judge that ever sat in Westminster Hall) because, what is a compensation or penalty to one man is none to another. The sophistical distinction you attempt to draw between the person *injured*, and the person *injuring* is *Mansfield* all over. If you can once establish the proposition that the injured party is not intitled to receive large damages, it follows pretty plainly that the party *injuring* should not be compelled to *pay* them; consequently the King's brother is effectually screened by *Lord Mansfield*'s doctrine. Your reference to *Nathan* and *David* comes naturally

* Mr. Paterson was one of the common council for the ward of Farringdon Within, and took an active part in favour of government. EDIT.

in aid of your patron's professed system of jurisprudence. He is fond of introducing into the *court of King's Bench* any law that contradicts or excludes the common law of England; whether it be *canon, civil, jus gentium,* or *Levitical.* But, Sir, the Bible is the code of our religious faith, not of our municipal jurisprudence: and though it was the pleasure of God to inflict a particular punishment upon David's crime (taken as a breach of his divine commands) and to send his prophet to denounce it, an English jury have nothing to do either with David or the prophet. They consider the crime, only as it is a breach of order, an injury to an individual, and an offence to society, and they judge of it by certain positive rules of law, or by the practice of their ancestors. Upon the whole, the man *after God's own heart* is much indebted to you for comparing him to the Duke of Cumberland. That his Royal Highness may be the man after *Lord Mansfield*'s own heart seems much more probable, and you I think, *Mr. Zeno,* might succeed tolerably well in the character of *Nathan.* The evil deity, the prophet, and the royal sinner would be very proper company for one another.

You say Lord Mansfield did not *make* the commissioners of the Great Seal*, and that he

* It has been already observed that the great seal was put in commission upon the death of Charles Yorke, who shot him-

 self

only advised the King to appoint. I believe JUNIUS meant no more, and the distinction is hardly worth disputing.—

You say he *did not* deliver an opinion upon Lord Chatham's appeal.—I affirm that he *did*, directly in favour of the appeal *. This is a point of fact, to be determined by evidence only. But you assign no reason for his supposed silence, nor for his desiring a conference with the judges the day before. Was not all Westminster-hall convinced that he did it with a view to puzzle them with some perplexing question, and in hopes of bringing some of them over to him?—You say the commissioners were *very capable of framing a decree for themselves*. By the fact, it only appears, that they were capable of framing an *illegal* one, which, I apprehend, is not much to the credit either of their learning or integrity.

We are both agreed that *Lord Mansfield* has incessantly laboured to introduce new modes of proceeding in the court where he presides; but

self through political chagrin. Lord Mansfield was upon this occasion made speaker of the House of Lords with a salary of 5000 *l.* per annum. EDIT.

* Sir Wm. Pynsent had bequeathed an estate to Lord Chatham, which bequest was controverted by his immediate heirs. The Chancellorship, then in commission, was appealed to. Lord Chatham lost his cause by the decision of the commissioners: but gained it upon a further appeal to the House of Lords. EDIT.

you attribute it to an honest zeal in behalf of innocence oppressed by quibble and chicane. *I* say that he has introduced *new law* too, and removed the landmarks established by former decisions. *I* say that his view is to change a court of common law into a court of equity, and to bring every thing within the *arbitrium* of a *prætorian* court. The public must determine between us. *But now for his merits. First* then, the establishment of the judges in their places for life, (which you tell us was advised by Lord Mansfield) was a concession merely to catch the people. It bore the appearance of a royal bounty, but had nothing real in it. The judges were already for life, excepting in the case of a *demise.* Your boasted bill only provides that it shall not be in the power of the King's successor to remove them. At the best therefore, it is only a legacy, not a gift on the part of his present Majesty, since for himself, he gives up nothing.—

—That he did oppose *Lord Camden* and *Lord Northington* upon the proclamation against the exportation of corn, is most true, and with great ability. With his talents, and taking the right side of so clear a question, it was impossible to speak ill.—His motives are not so easily penetrated. They, who are acquainted with the state of politics, at that period, will judge of them somewhat differently from *Zeno.* Of the

popular bills, which you say he supported in the House of Lords, the most material is unquestionably that of *Mr. Grenville*, for deciding contested elections. But I should be glad to know upon what possible pretence any member of the upper house could oppose such a bill, after it had passed the *House of Commons?*—I do not pretend to know what share he had in promoting the other two bills, but I am ready to give him all the credit you desire. Still you will find that a whole life of deliberate iniquity is ill atoned for by doing now and then a laudable action upon a mixed or doubtful principle.—If it be unworthy of him, thus ungratefully treated, to labour any longer for the public, in God's name let him retire. His brother's patron, (whose health he once was anxious for) is dead, but the son of that unfortunate prince survives, and, I dare say, will be ready to receive him.

PHILO JUNIUS.

LETTER LXII.

TO AN ADVOCATE IN THE CAUSE OF THE PEOPLE*.

SIR, 18 *October*, 1771.

YOU do not treat JUNIUS fairly. You would not have condemned him so hastily, if you

* The letter thus subscribed appeared in the Public Advertiser Oct. 16, 1771, and deserves a perusal, as it was deemed entitled to a reply.

TO

had ever read *Judge Foster's* argument upon the legality of pressing seamen. A man who has not read that argument, is not qualified to speak accurately upon the subject. In answer to strong facts and fair reasoning, you produce nothing but a vague comparison between two things,

TO JUNIUS.

SIR,

THERE is a bigotry in politics as well as in religion. Precepts, which, on examination, we should have found to be erroneous, are often implicitly received by us, because we have formed an opinion of the integrity and sound judgment of those by whom they were penned; but the majority of the people are biassed by those principles entirely which they have imbibed in their youth, and pay deference to those persons and things which their parents instructed them to revere. The greater, therefore, the reputation of a writer, the stricter guard I must keep over my belief, for the easier he might lead my judgment astray. I even think it my duty, when such a writer errs, to sound the alarm; lest my fellow citizens be unwarily misled.—JUNIUS is their favourite guide; but shall they follow him blindfold, because he affirms it to be dark? No, let them walk with their eyes open, and see if there be not a ray of light.—Credulity and superstitious veneration have ever held in darkness the human mind. It was not till the pope and his priests had forfeited their character of holiness and infallibility that the reformation took place, and mankind began to think for themselves; the scriptures began to be understood in their original meaning, though many to this day interpret them, not as they have considered them in their own minds, but as, by their priests or their parents, they are taught to believe. It was not till the prerogative of the crown was abused by the house of Stuart that the Revolution succeeded in the go-

vernment

which have little or no resemblance to each other. *General Warrants*, it is true, had been often issued, but they had never been regularly questioned or resisted, until the case of *Mr. Wilkes.* He brought them to trial, and the moment they were tried, they were declared *illegal.*

vernment of Britain. Men then lost that fear and reverence with which they used to behold their king; and they began to imagine it would be better for the common-weal, that his power and prerogative were curtailed. The authority of the monarchical law-writers became also disregarded; and customs, which, before that period, were peaceably received as the laws of the land, were then found to be illegal and inconsistent with the rights of a free man.—Our minds are becoming still daily more enlightened; general warrants have lately been abolished as illegal; and you, JUNIUS, have publicly arraigned the conduct of our chief magistrate, with a freedom hitherto unknown. A few years ago a jury of your own countrymen would have perused your sentiments of their king, with almost the same horror and detestation, as they would have read blasphemy against their God. You have indeed, Sir, been the greatest reformer of our political creed, and I revere you for your enlarged mind. But, though in general I assent to the articles of your faith, I cannot entirely agree with you in the opinions delivered to us, in your letter of the 8th of this month. What you have there written on the subject of press-warrants, does not become your pen. I wish, Sir, for your own honour, you would give that matter a second consideration. You say, "I see the right (of pressing men into the sea service) founded originally upon necessity, which supersedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. I conclude there is no remedy, in the nature of things, for the grievance complained of;

This is not the case of *Press Warrants.* They have been complained of, questioned, and resisted in a thousand instances; but still the legislature have never interposed, nor has there ever been a formal decision against them in any of the superior courts. On the contrary, they

of; for, if there were, it must long since have been redressed." ——Now really, Sir, this conclusion is more like the argument of a bigotted priest of the church of Rome, than the sound reasoning of a protestant divine. You might as well have told us to reverence the pope, to believe in transubstantiation, and to kneel to all the images of the popish saints; because if it were not proper so to do, our ancestors would not have done so before us. Would you not have been laughed at if, in the debate on the legality of general warrants, you had declared there was no remedy against them, because, if there were, they must long since have been declared illegal? were not general warrants as much established, by usage immemorial, as is the arbitrary custom of pressing men? and were they not as anciently admitted by the tacit assent of the legislature? Surely, Sir, if you had been seriously inclined to investigate the truth, you would have delivered yourself in a more rational stile.

A man of your fertile imagination could easily have thought of a remedy against the grievance complained of, in the custom of pressing men. You could have shewn us, that a body of seamen, kept in constant pay, was much more necessary for the defence of this country than a standing army. You could, during the peace, have found employment for those seamen in the dock yards, in the herring fishery, in the custom-house cutters, and in fully manning those inactive men of war now most improperly called guard ships, though originally intended to guard our isle. In short, Sir, if those seamen were to do nothing during the peace, they would still be more requisite than

have been frequently recognized and admitted by parliament, and there are judicial opinions given in their favour, by judges of the first character. Under the various circumstances, stated by JUNIUS, he has a right to conclude, *for himself*, that there is no remedy. If you have a good one to propose, you may depend upon the assistance and applause of JUNIUS. The magistrate, who guards the liberty of the individual, deserves to be commended. But let him remember that it is also his duty to provide for, or at least not to hazard the safety of the community. If, in the case of a foreign war and the expectation of an invasion, you would rather keep your fleet in harbour, than man it by pressing seamen, who refuse the bounty, I have done.

You talk of disbanding the army with wonderful ease and indifference. If a wiser man

an army in peace only employed to add force to the prerogative of the crown. But JUNIUS was not in earnest. He is perhaps one of our discarded ministers (or rather one of their secretaries, for ministers rarely write so well.) He expects to be employed again; and as he may then have occasion for men, suddenly to put a fleet to sea, he must not deliver his opinion against press-warrants; if it were received, he might hereafter find a difficulty to equip his fleet; the remedy, though found by him, being not yet applied to the grievance of which the nation would complain.

AN ADVOCATE IN THE CAUSE OF THE PEOPLE.

held such language, I should be apt to suspect his sincerity.

As for keeping up a *much greater* number of seamen in time of peace, it is not to be done. You will oppress the merchant, you will distress trade, and destroy the nursery of your seamen. He must be a miserable statesman, who voluntarily, by the same act, increases the public expense, and lessens the means of supporting it.

PHILO JUNIUS.

LETTER LXIII.

22 October, 1771.

A FRIEND of JUNIUS desires it may be observed, (in answer to *A Barrister at Law**),

* The Letter here referred to appeared in the Public Advertiser of Oct. 19, 1771, and is as follows:

Lord MANSFIELD defended against JUNIUS and his party.

JUNIUS derives importance from every reply. His pride is flattered by the number of his opponents; and even detection itself is a triumph to a man who has no honour, no fame to lose. In the absence of all character, he enjoys the security which others owe to a reputation invulnerable on every side: and he is singularly independent of rebuke, under the unparallelled depravity of his mind.—But there are charges which require an answer, notwithstanding the discredit, which is annexed to them, on account of the quarter from which they come. JUNIUS is not more wicked, than some of his readers are credulous: and this consideration was the sole inducement

1°. That the fact of Lord Mansfield's having ordered a juryman to be passed by (which poor *Zeno* never heard of) is now formally admitted.

to the following dispassionate answer to his late Attack upon a great law Lord, who is an ornament to the present age.

The charge *that his Lordship challenged a juror,* is at once impossible and absurd. It answers itself, and bears the lie on its face.—But JUNIUS may found his accusation upon a misrepresented fact: A juryman, about fifteen years ago, for a suspicion conceived upon something which happened in Court, was passed by with the acquiescence and consent of the counsel on both sides. Neither of the parties complained. A factious attorney, to gain consequence to himself, began to mutter. He met with no encouragement, and he dropt the affair. JUNIUS ought to know, that jurors are passed by, with the acquiescence of both parties, without a *formal challenge.* Without the consent of *both,* it cannot be done. Such a measure would be a *mis-trial;* and, upon motion, would be set aside of course by the court. But when the parties are satisfied, nobody else has any right to complain.

His Lordship has destroyed the liberty of the press: JUNIUS, in his charge, gives himself the lie. No writer ever used the liberty of the press with such unrestrained freedom as himself: no times were ever so much marked as the present, with public scurrility and defamation. A reply to the charge is in *every* column of *every* paper. They are the most dangerous enemies, who abuse the liberty of the press like JUNIUS and his adherents.

His Lordship, not content with destroying the liberty of the press, has, if we believe JUNIUS, *restrained the power of juries.*—Juries, it has never yet been doubted, have a power of doing either right or wrong, according to their will and pleasure. The only question is, by what rules should they govern themselves, if they mean to do right. Till the year 1730, there was

some

When *Mr. Benson's* name was called, *Lord Mansfield* was observed to flush in the face, (a signal of guilt not uncommon with him) and

some doubt, whether the construction of a libel was not a question of law: but in Franklin's trial, the rule, which has been invariably ever since followed, was admitted by Lord Hardwick, then Attorney General, agreed to by eminent counsel on the other side, and adopted by the court. Lord Mansfield made a late opinion of the court very public, undoubtedly with a view, that it should be taken up constitutionally in parliament, by those who pretended to differ from him in opinion, by a *bill*, in the progress of which the matter might be discussed, with the assistance of the judges. It was in this light understood; and the most considerable part of those who differed from that opinion in the House of Commons being clear, that there was no colour for a declaratory law, moved for a bill to make a law for the future, which was rejected. The enormous crime trumped up by Junius and his party then is, that a judge tells the jury what, in his opinion, *the law is*, and leaves them afterwards to do as they please, without interposition If he thinks his opinion right, as he most certainly does, it is not in his power to do otherwise; and he *must* repeat the same conduct, whenever a similar case comes before him.

Junius next affirms, that " to save the King's brother, Lord Mansfield declared that, in a verdict for criminal conversation, a man of the first quality is intitled to no greater damages than the meanest mechanic."—I have talked with some who attended the trial, I have read the spurious accounts of it in print. We know how falsely and ignorantly such notes are taken, even when the writers mean no harm. They are generally unintelligible till they are corrected by the persons concerned. But I suspect, that malice joined issue with blunder, in what is made Lord Mansfield's opinion. It is full of nonsense, contradictory and manifestly imperfect. Much depends upon a word or two, a restriction or a qualification. The published

cried out, *pass him by*. This I take to be something more than a peremptòry challenge. It is an *unlawful command*, without any reason assign-

opinion makes Lord Mansfield tell the jury that the measure of damages must be formed, from all the circumstances of the case taken together. In another place, it makes him state many of the circumstances and say, they are not at all material without any restriction or qualification. But the scope and occasion of the direction are very plain, in whatever words the direction itself was expressed.

*A very eminent and able counsel had, with a torrent of eloquence, applied to the passions of the jury. He laboured, with great art and address, to carry them, it is impossible to say where, merely on account of the rank and situation of the parties. The Duke of York, he informed the jury, recovered one hundred thousand pounds against a man for calling him a papist, which was no additional damage to his character, for all England knew him to be actually a papist. If therefore, continued the counsel, the King's brother recovered so much, the rule should be reciprocal, and the defendant ought to pay much more, as the injury was greater. The learned counsel judiciously passed over the many cases in England—of a Duke of Norfolk, a Duke of Beaufort, a Duke of Grafton, and many other peers, who had recovered moderate damages from men of fortune. But he rested on an Irish case, of which he stated no circumstances, where the rule was to give such damages as should ruin the defendant. He, therefore, contended for an exorbitant verdict, by way of punishment.

It was the indispensable duty of the judge to extricate the matter from the passions of the jury, worked up and biassed by inflammatory eloquence, that powerful instrument of deceit, and to bring it back to their cool and sound judgments. They were, therefore, told that damages are by way of retribution or compensation to the plaintiff for the injury, and to be

estimated

ed. That the counsel did not resist, is true; but this might happen either from inadvertence, or a criminal complaisance to Lord Mansfield.— You *Barristers* are too apt to be civil to my Lord Chief Justice, at the expense of your clients.

estimated from all the circumstances. The rank and situation of the parties were not of themselves decisive. A peer, under some circumstances, may be intitled to less damages for this injury than a tradesman under other circumstances: That it might be just, in certain situations, to give small damages for this injury against a defendant of great wealth, and in other situations to give ten thousand pounds against a person of low degree. Even from the spurious opinion published, the case appears to have been left to the jury, upon all the circumstances, without a single remark on any of them, without a word of alleviation. No cases were mentioned where moderate damages had been given to peers of the highest rank for this injury against persons of great fortune.

The next charge of Junius and his party against the noble Lord is, "that he has changed the system of jurisprudence." —The uncandid party do not recollect that Lord Mansfield has had three assistants most eminent for knowledge and integrity. The only *change* we of Westminster-hall either know or have heard of is, that the decisions inform and satisfy the bar: that hitherto no one has been reversed, and, which is a main point to the suitor, and perhaps new, there is *no delay*.— Since Lord Mansfield sat there, the business, which flows into that channel, and leaves every other almost dry, is increased beyond belief. I have been assured, that besides all the other business, there are not fewer than *seven* or *eight hundred* causes entered every year at the sittings before his Lordship for London and Middlesex. It is at once unjust and uncandid to take from him all merit, while he goes through the immense fatigue which arises from a high reputation.

As

2°. JUNIUS did never say that Lord Mansfield had *destroyed* the liberty of the press. "That his Lordship has *laboured to destroy*,—that his doctrine is an *attack* upon the liberty of the press,—that it is an *invasion* of the right of juries," are the propositions maintained by JUNIUS. His opponents never answer him in point, for they never meet him fairly upon his own ground.

As to Lord Chatham's cause, the malevolent writer has sat down to invent a lie, without giving himself the trouble to inquire into what passed in public upon that subject. I, as many more of the profession, attended that cause. Lord Mansfield moved the question, which was put to the judges, penned with a view to that point, upon which, it appeared afterwards, he thought the cause depended. Though it had been argued, both above and below, upon another point, the judges considered the point on which it had been argued. They were divided and prepared to give different opinions. Lord Mansfield, apprized of the disagreement among the judges, suggested that point upon which he thought the cause turned, be the other as it might. He proposed to the judges to consider it in that light. The house was adjourned expressly for this purpose; and when the judges came to consider the cause on the point suggested by Lord Mansfield, they were unanimous; which terminated the cause, whatever the law might be upon the other point on which it was decided below. The allegation, that Lord Mansfield made the decree for the commissioners, bears on its face the marks of a palpable falsehood. It is a mere invention of JUNIUS; never mentioned, never suspected by any other writer, I am convinced, both from the delicacy of the commissioners and that of his Lordship, that not a single word ever passed between them on the subject.

Temple, Oct. 16. A BARRISTER AT LAW.

EDIT.

3°. *Lord Mansfield's* policy, in endeavouring to screen his unconstitutional doctrines behind an act of the legislature, is easily understood.—Let every Englishman stand upon his guard;—the right of juries to return a general verdict, in all cases whatsoever, is a part of our constitution. It stands in no need of a bill, either *enacting* or *declaratory*, to confirm it*.

4°. With regard to the *Grosvenor cause*, it is pleasant to observe that the doctrine attributed by JUNIUS to Lord Mansfield, is admitted by *Zeno*, and directly defended. The *Barrister* has not the assurance to deny it flatly, but he evades the charge and softens the doctrine by such poor, contemptible quibbles, as cannot impose upon the meanest understanding.

5°. The quantity of business in the *Court of King's Bench* proves nothing but the litigious spirit of the people, arising from the great increase of wealth and commerce. These however are now upon the decline, and will soon leave nothing but *law suits* behind them. When JUNIUS affirms that Lord Mansfield has laboured to alter the system of jurisprudence, in the court where his Lordship presides, he speaks to those,

* This subject was agitated in the House of Commons, in the spring of the year 1771, on the motion of Mr. Dowdeswell for leave to bring in an enacting bill; which was rejected, for the reasons assigned in the note to p. 170 of this vol. EDIT.

who are able to look a little farther than the vulgar. Besides that the multitude are easily deceived by the imposing names of *equity* and *substantial justice*, it does not follow that a judge, who introduces into his court new modes of proceeding, and new principles of law, intends, *in every instance*, to decide unjustly. Why should he, where he has no interest?—We say that Lord Mansfield is a bad *man*, and a worse *judge;* —but we do not say that he is a *mere devil.* Our adversaries would fain reduce us to the difficulty of proving too much.—This artifice however shall not avail him. The truth of the matter is plainly this. When *Lord Mansfield* has succeeded in his scheme of changing a court of *common law* to a court of *equity*, he will have it in his power to do injustice *whenever he thinks proper.* This, though a wicked purpose, is neither absurd nor unattainable.

6°. The last paragraph, relative to *Lord Chatham*'s cause cannot be answered. It partly refers to facts, of too secret a nature to be ascertained, and partly is unintelligible. "Upon *one* point, the cause is decided against Lord Chatham.—Upcn *another* point, it is decided for him."—Both the *law* and the *language* are well suited to a *Barrister!*—If I have any guess at this honest gentleman's meaning, it is, that, "whereas the commissioners of the Great Seal

saw the question in a point of view unfavourable to *Lord Chatham*, and decreed accordingly,—Lord Mansfield, out of sheer love and kindness to Lord Chatham, took the pains to place it in a point of view more favourable to the *appellant.*" —*Credat Judæus Apella.*—So curious an assertion would stagger the faith of *Mr. Sylva.*

LETTER LXIV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 2 *November*, 1771.

WE are desired to make the following declaration, in behalf of JUNIUS, upon three material points, on which his opinion has been mistaken, or misrepresented.

1°. JUNIUS considers the right of taxing the colonies, by an act of the British legislature, as a *speculative* right merely, never to be *exerted*, nor ever to be *renounced*. To *his* judgment it appears plain, " That the general reasonings, which were employed against that power, went directly to our whole legislative right, and that one part of it could not be yielded to such arguments, without a virtual surrender of all the rest."

2°. That, with regard to press-warrants, his argument should be taken in his own words, and answered strictly;—that comparisons may sometimes illustrate, but prove nothing; and that, in

this case, an appeal to the passions is unfair and unnecessary. JUNIUS feels and acknowledges the evil in the most express terms, and will shew himself ready to concur in any rational plan, that may provide for the liberty of the individual, without hazarding the safety of the community. At the same time, he expects that the evil, such as it is, be not exaggerated or misrepresented. In general, it is *not* unjust that, when the rich man contributes his wealth, the *poor* man should serve the state in person;—otherwise the latter contributes nothing to the defence of that law and constitution, from which he demands safety and protection. But the question does not lie between *rich* and *poor*. The laws of England make no such distinctions. Neither is it true that the poor man is torn from the care and support of a wife and family, helpless without him. The single question is, whether the *seaman* *, in times of public danger, shall serve the merchant or the state, in that profession to which he was bred, and by the exercise of which alone he can honestly support himself and his family.—General arguments against the doctrine of *necessity*, and the dangerous use that may be made of it, are of no weight in this particular case. *Neces-*

* I confine myself strictly to *seamen*;—if any others are pressed, it is a gross abuse, which the magistrates can and should correct.

sity includes the idea of *inevitable.* Whenever it is so, it creates a law, to which all *positive* laws, and all *positive* rights must give way. In this sense the levy of *ship-money* by the King's warrant was not *necessary*, because the business might have been as well or better done by parliament. If the doctrine, maintained by JUNIUS, be confined within this limitation, it will go but very little way in support of arbitrary power. That the King is to judge of the occasion, is no objection, unless we are told how it can possibly be otherwise. There are other instances, not less important in the exercise, nor less dangerous in the abuse, in which the constitution relies entirely upon the King's judgment. The executive power proclaims war and peace, binds the nation by treaties, orders general embargoes, and imposes quarantines, not to mention a multitude of prerogative writs, which, though liable to the greatest abuses, were never disputed.

3°. It has been urged, as a reproach to JUNIUS, that he has not delivered an opinion upon the Game Laws, and particularly the late *Dog-act.* But JUNIUS thinks he has much greater reason to complain, that he is never assisted by those, who are able to assist him, and that almost the whole labour of the press is thrown upon a single hand, from which a discussion of *every* public question whatsoever is unreasonably expected. He is not

paid for his labour, and certainly has a right to choose his employment.——As to the *Game Laws*, he never scrupled to declare his opinion, that they are a species of the *Forest Laws*, that they are oppressive to the subject, and that the spirit of them is incompatible with legal liberty: —that the penalties, imposed by these laws, bear no proportion to the nature of the offence, that the mode of trial and the degree and kind of evidence necessary to convict, not only deprive the subject of all the benefits of a trial by jury, but are in themselves too summary, and to the last degree arbitrary and oppressive. That, in particular, the late acts to prevent dog-stealing, or killing game between sun and sun, are distinguished by their absurdity, extravagance, and pernicious tendency. If these terms are weak, or ambiguous, in what language can JUNIUS express himself?—It is no excuse for *Lord Mansfield* to say that he *happened* to be absent when these bills passed the House of Lords. It was his duty to be present. Such bills could never have passed the House of Commons without his knowledge. But we very well know by what rule he regulates his attendance. When that order was made in the House of Lords in the case of *Lord Pomfret**, at which every English-

* A case brought by Lord Pomfret before the house, from one of the inferior courts, in reference to a tract of ground, claimed

man shudders, my honest *Lord Mansfield* found himself, *by mere accident*, in the court of King's Bench.—Otherwise, he would have done wonders in defence of law and property! The pitiful evasion is adapted to the character. But JUNIUS will never justify himself, by the example of this bad man. The distinction between *doing wrong* and *avoiding to do right* belongs to Lord Mansfield. JUNIUS disclaims it.

LETTER LXV.

TO LORD CHIEF JUSTICE MANSFIELD.

2 November, 1771.

AT the intercession of three of your countrymen, you have bailed a man, who, I presume, is also a *Scotchman*, and whom the Lord Mayor of London had refused to bail*. I do not

claimed by the parish in which he resided, as common land, but maintained by his Lordship to be a part of his own freehold. EDIT.

* In explanation of this assertion, the Editor extracts the following paragraph from the Public Advertiser, Oct. 20. 1771.

" Yesterday application was made to the Lord Mayor, by the friends of John Eyre, Esq. committed on the oaths of Thomas Fielding, William Holder, William Payne, and William Nash, for feloniously stealing eleven quires of writing paper. The circumstances were so strong against the prisoner, on whom the goods were found, and no defence whatever being

set

mean to enter into an examination of the partial, sinister motives of your conduct; but confining myself strictly to the fact, I affirm, that you have done that, which by law you were not warranted to do. The thief was taken in the theft;—the stolen goods were found upon him, and he made no defence. In these circumstances, (the truth of which You dare not deny, because it is of public notoriety) it could not stand indifferent whether he was guilty or not, much less could there be any presumption of his innocence; and, in these circumstances, I affirm, in contradiction to YOU, LORD CHIEF JUSTICE MANSFIELD, that, by the laws of England, he was *not bailable*. If ever *Mr. Eyre* should be brought to trial*, we

set up by him before the magistrate who made the commitment, that the Lord Mayor refused to bail him. The Alderman who committed him, had before refused to bail him, as it was alledged that no instance whatever had been known of a person being bailed under such circumstances. Mr. Eyre was however bailed yesterday by Lord Mansfield, himself in only 300*l* and three Scottish securities in 100*l*. each, a Kinloch, Farquar, and Innis. *Eyre has since made his escape.* EDIT.

* The facts of the case were as follow: On the 2nd of Oct. 1771, Eyre was committed to Wood-street Compter, by Mr Alderman Halifax, for privately stealing out of a room at Guildhall three quires of writing paper, which were found upon him; on searching his lodgings, there were discovered, in a box, eight quires more of the same sort of paper, which had been marked privately for the discovery of the thief. Eyre had attended at the justice-room for a considerable time under the

shall hear what You have to say for Yourself; and I pledge myself, before God and my country, in proper time and place to make good my charge against you.

JUNIUS.

LETTER LXVI.

FOR THE PUBLIC ADVERTISER.

9 *November*, 1771.

JUNIUS engages to make good his charge against *Lord Chief Justice Mansfield*, some time before the meeting of parliament, in order that the House of Commons may, if they think proper, make it one article in the impeachment of the said *Lord Chief Justice*.

the pretence of learning the business of a magistrate, to which situation, he said, he shortly expected to be appointed. On the day preceding the date of this letter, he surrendered himself at the Old Bailey to take his trial for stealing the paper, to which charge he pleaded guilty, and threw himself on the mercy of the court. He was sentenced to be transported. This sordid wretch was asserted at the time of committing so miserable a theft, to be worth at least thirty thousand pounds.

LETTER LXVII.

TO HIS GRACE THE DUKE OF GRAFTON*.

28 *November*, 1771.

WHAT is the reason, my Lord, that, when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther†, when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to

* This letter, as the author declares in Private Letter, No. 44. was written in consequence of a communication from Garrick to Ramus, and from the latter to the King, that JUNIUS would write no more; and hence the questions in the concluding paragraph. The words of the author are, "David Garrick has literally forced me to break my resolution of writing no more," for the subsequent letter addressed to Lord Mansfield was completed some time previous to the date of this Letter, as may be seen in Private Letter, No. 40. where, and in that which follows it, will be found an explanation of the curious circumstance of the communication to the King, the author's early knowledge of the fact, and a copy of the very severe letter that he sent to Mr. Garrick, in consequence of the information which he had given to Mr. Ramus. EDIT.

† He refers to the case of Lowther against the Duke of Portland, in the contest concerning Inglewood Forest, &c. in Cumberland. See the detail and determination of the dispute (which last had now just taken place) in note to p. 329 of this volume. EDIT.

vice or virtue) were interesting to human nature, your Grace alone should appear so miserably depressed and afflicted? In such universal joy, I know not where you will look for a compliment of condolence, unless you appeal to the tender, sympathetic sorrows of Mr. Bradshaw. That cream-coloured gentleman's tears*, affecting as they are, carry consolation along with them. He never weeps, but, like an April shower, with a lambent ray of sunshine upon his countenance. From the feelings of honest men, upon this joyful occasion, I do not mean to draw any conclusion to your Grace. *They* naturally rejoice, when they see a signal instance of tyranny resisted with success;—of treachery exposed to the derision of the world;—an infamous informer defeated, and an impudent robber dragged to the public gibbet.—But, in the *other* class of mankind, I own I expected to meet the Duke of Grafton. Men, who have no regard for justice, nor any sense of honour, seem as heartily pleased with Sir James Lowther's well deserved punishment, as if it did not constitute an example against themselves. The unhappy Baronet has no friends, even among those who resemble him. You, my Lord, are not yet reduced to so deplorable a state of dereliction. Every villain in the kingdom is your friend; and, in

* See Vol. III. Miscellaneous Letter LXXI. EDIT.

compliment to such amity, I think you should suffer your dismal countenance to clear up. Besides, my Lord, I am a little anxious for the consistency of your character. You violate your own rules of decorum, when you do not insult the man whom you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery entails punishment upon the traitor. There is no possibility of escaping it, even in the highest rank to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex was an omen of another unnatural union, by which indefeasible infamy is attached to the house of Brunswick. If one of those acts was virtuous and honourable, the best of princes, I thank God, is happily rewarded for it by the other.— Your Grace, *it has been said*, had some share in recommending Colonel Luttrell to the King;— or was it only the gentle Bradshaw, who made himself answerable for the good behaviour of his friend? An intimate connection has long subsisted between him and the worthy Lord Irnham. It arose from a fortunate similarity of principles, cemented by the constant mediation of their common friend Miss Davis*.

* There is a certain family in this country, on which nature seems to have entailed an hereditary baseness of disposition.

As

Yet I confess I should be sorry that the opprobrious infamy of this match should reach beyond the family.—We have now a better reason

As far as their history has been known, the son has regularly improved upon the vices of his father, and has taken care to transmit them pure and undiminished into the bosom of his successor. In the senate, their abilities have confined them to those humble, sordid services, in which the scavengers of the ministry are usually employed. But in the memoirs of private treachery, they stand first and unrivalled. The following story will serve to illustrate the character of this respectable family, and to convince the world that the present possessor has as clear a title to the infamy of his ancestors, as he has to their estate. It deserves to be recorded for the curiosity of the fact, and should be given to the public as a warning to every honest member of society

The present Lord Irnham, who is now in the decline of life, lately cultivated the acquaintance of a younger brother of a family, with which he had lived in some degree of intimacy and friendship. The young man had long been the dupe of a most unhappy attachment to a common prostitute. His friends and relations foresaw the consequences of this connection, and did every thing that depended upon them to save him from ruin. But he had a friend in Lord Irnham, whose advice rendered all their endeavours ineffectual. This hoary letcher, not contented with the enjoyment of his friend's mistress, [the notorious Polly Davis, mentioned in the letter above] was base enough to take advantage of the passions and folly of a young man, and persuaded him to marry her. He descended even to perform the office of father to the prostitute He gave her to his friend, who was on the point of leaving the kingdom, and the next night lay with her himself.

Whether the depravity of the human heart can produce any thing more base and detestable than this fact, must be left undetermined,

than ever to pray for the long life of the best of princes, and the welfare of his royal *issue*:—I will not mix any thing ominous with my prayers;—but let parliament look to it.—A *Luttrell* shall never succeed to the crown of England*.—If the hereditary virtues of the family deserve a kingdom, Scotland will be a proper retreat for them.

The next is a most remarkable instance of the goodness of Providence. The just law of retaliation has at last overtaken the little, contemptible tyrant of the North. To this son-in-law of your dearest friend the Earl of Bute, you meant to transfer the Duke of Portland's property†; and you hastened the grant, with an expedition unknown to the Treasury, that he might have it time enough to give a decisive turn to the election for the county. The immediate consequence of this flagitious robbery was, that he lost the election, which you meant to insure to him, and with such signal circumstances of scorn, reproach and insult, (to say

determined, until the son shall arrive at his father's age and experience. AUTHOR.

This note appeared in the Public Advertiser, April 7, 1769, under the signature of *Recens*. EDIT.

* The Duke of Cumberland was now married to Mrs. Horton, Colonel Luttrell's sister. See Miscellaneous Letters, No. CII. EDIT.

† See note to p. 329 of this volume. EDIT.

nothing of the general exultation of all parties) as, (excepting the King's brother-in-law Colonel Luttrell*, and old *Simon* his father-in-law) hardly ever fell upon a gentleman in this country.—In the event, he loses the very property, of which he thought he had gotten possession; and after an expense, which would have paid the value of the land in question twenty times over.—The forms of villany, you see, are necessary to its success. Hereafter you will act with greater circumspection, and not drive so directly to your object. To *snatch a grace*, beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conscious heart inform you, that the justice of retribution begins to operate, and that it may soon approach your person?—Do you think that JUNIUS has renounced the Middlesex election?—Or that the King's timber shall be refused to the Royal Navy with impunity†?—Or that you shall hear no more of the sale of that patent to *Mr. Hine*, which you endeavoured to skreen by suddenly dropping your prosecution of *Samuel*

* See Miscellaneous Letters, No. CII. Our author thus denominates his Majesty, because by the marriage of Luttrell's sister, Mrs. Horton, with the Duke of Cumberland, Luttrell was legally become brother-in-law to the king's brother; as was Luttrell's father, father-in-law to him. EDIT.

† See note to p. 337 of this volume. EDIT.

*Vaughan**, when the rule against him was made absolute? I believe indeed there never was such an instance in all the history of negative impudence.—But it shall not save you. The very sunshine you live in, is a prelude to your dissolution. When you are ripe, you shall be plucked.

JUNIUS.

P. S. I beg you will convey to our gracious master my humble congratulations upon the glorious success of peerages and pensions, so lavishly distributed as the rewards of Irish virtue.

LETTER LXVIII.

TO LORD CHIEF JUSTICE MANSFIELD.

21 *January*, 1772.

I HAVE undertaken to prove that when, at the intercession of three of your countrymen, you bailed *John Eyre*, you did that, *which by law you were not warranted to do*, and that a felon, under the circumstances, *of being taken in the fact, with the stolen goods upon him, and making no defence*, is *not bailable* by the laws of England. Your learned advocates have interpreted this charge into a denial that the court of

* See Letter XXXIII. ante p. 52, and Private Letter, No. 17. for the particulars of the transaction here alluded to. EDIT.

King's Bench, or the judges of that court during the vacation, have any greater authority to bail for criminal offences, than a justice of peace. With the instance before me, I am supposed to question your power of doing wrong, and to deny the existence of a power at the same moment that I arraign the illegal exercise of it. But the opinions of such men, whether wilful in their malignity, or sincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not understand me so, and I promise you, your cause requires an abler defence.—I am now to make good my charge against you. However dull my argument, the subject of it is interesting. I shall be honoured with the attention of the public, and have a right to demand the attention of the legislature. Supported, as I am, by the whole body of the criminal law of England, I have no doubt of establishing my charge. If, on your part, you should have no plain, substantial defence, but should endeavour to shelter yourself under the quirk and evasion of a practising lawyer, or under the mere insulting assertion of power without right, the reputation you pretend to is gone for ever;—you stand degraded from the respect and authority of your office, and are no longer *de jure*, Lord Chief Justice of England. This letter, my Lord, is addressed, not so much

to *you*, as to the public. Learned as you are, and quick in apprehension, few arguments are necessary to satisfy you, that you have done that, which by law you were not warranted to do. Your conscience already tells you, that you have sinned against knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law upon trust. They rely upon authority, because they are too indolent to search for information; or, conceiving that there is some mystery in the laws of their country, which lawyers are only qualified to explain, they distrust their judgment, and voluntarily renounce the right of thinking for themselves. With all the evidence of history before them, from *Tresillian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it possible that a learned judge can act in direct contradiction to those laws, which he is supposed to have made the study of his life, and which he has sworn to administer faithfully. Superstition is certainly not the characteristic of this age. Yet some men are bigoted in politics who are infidels in religion.—I do not despair of making them ashamed of their credulity.

The charge I brought against you is expressed in terms guarded and well considered. They do not deny the strict power of the judges

of the court of King's Bench to bail in cases, not bailable by a justice of peace, nor replevisable by the common writ, or *ex officio* by the Sheriff. I well knew the practice of the court, and by what legal rules it ought to be directed. But far from meaning to soften or diminish the force of those terms I have made use of, I now go beyond them, and affirm,

I. That the superior power of bailing for felony, claimed by the court of King's Bench, is founded upon the opinion of lawyers, and the practice of the court;—that the assent of the legislature to this power is merely negative, and that it is not supported by any positive provision in any statute whatsoever.—If it be, produce the statute.

II. Admitting that the judges of the court of King's Bench are vested with a discretionary power to examine and judge of circumstances and allegations, which a justice of peace is not permitted to consider, I affirm, that the judges, in the use and application of that discretionary power, are as strictly bound by the spirit, intent, and meaning, as the justice of peace is by the words of the legislature. Favourable circumstances, alledged before the judge, may justify a doubt whether the prisoner be guilty or not; and where the guilt is doubtful, a presumption of innocence should, in general, be

admitted. But, when any such probable circumstances are alledged, they alter the state and condition of the prisoner. *He* is no longer that *all-but-convicted* felon, whom the law intends, and who by law is *not bailable at all.* If no circumstances whatsoever are alledged in his favour;—if no allegation whatsoever be made to lessen the force of that evidence, which the law annexes to a positive charge of felony, and particularly to the fact of *being taken with the maner*, I then say that the Lord Chief Justice of England has no more right to bail him than a justice of peace. The discretion of an English judge is not of mere will and pleasure; it is not arbitrary;—it is not capricious; but, as that great lawyer, (whose authority I wish you respected half as much as I do) truly says *, "Discretion, taken as it ought to be, is, *discernere per legem quid sit justum.* If it be not directed by the right line of the law, it is a crooked cord, and appeareth to be unlawful."—If discretion were arbitrary in the judge, he might introduce whatever novelties he thought proper; but, says Lord Coke, "Novelties, without warrant of precedents, are not to be allowed; some certain rules are to be followed;—*Quicquid judicis authoritati subjicitur, novitati non subjicitur;*" and this sound doctrine is ap-

* 4 *Inst.* 41. 66.

plied to the Star-chamber, a court confessedly arbitrary. If you will abide by the authority of this great man, you shall have all the advantage of his opinion, wherever it appears to favour you. Excepting the plain, express meaning of the legislature, to which all private opinions must give way, I desire no better judge between us than Lord Coke.

III. I affirm that, according to the obvious, indisputable meaning of the legislature, repeatedly expressed, a person positively charged with *feloniously stealing* and taken *in flagrante delicto*, with the stolen goods upon him, *is not bailable*. The law considers him as differing in nothing from a *convict*, but in the form of conviction, and (whatever a corrupt judge may do) will accept of no security, but the confinement of his body within four walls. I know it has been alledged in your favour, that you have often bailed for murders, rapes, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your own example. If that were a protection to you, where is the crime that, as a judge, you might not now securely commit? But neither shall I suffer myself to be drawn aside from my present argument, nor *you* to profit by your own wrong. To prove the meaning and intent of the legislature will require a minute and

tedious deduction. To investigate a question of law demands some labour and attention, though very little genius or sagacity. As a *practical profession*, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart. Subtlety is soon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as some there are undoubtedly, of genius and morality united in a lawyer, they are distinguished by their singularity, and operate as exceptions.

I must solicit the patience of my readers. This is no light matter, nor is it any more susceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail in charges of felony, has been exactly ascertained by acts of the legislature, it is at present of little consequence to enquire how it stood at common law, before the statute of Westminster. And yet it is worth the reader's attention to observe, how nearly, in the ideas of our ancestors, the circumstance of being taken *with the maner* approached to the conviction of the felon *. It "fixed the authoritative stamp of verisimilitude upon the accusa-

* *Blackstone*, 4. 303.

tion, and by the common law, when a thief was taken *with the maner* (that is, with the thing stolen upon him, *in manu*) he might, so detected *flagrante delicto*, be brought into court, arraigned and tried, *without indictment*; as, by the Danish law, he might be taken and hanged upon the spot, without accusation or trial." It will soon appear that our statute law, in this behalf, though less summary in point of proceeding, is directed by the same spirit. In one instance, the very form is adhered to. In offences relating to the forest, if a man was taken with *vert*, or venison *, it was declared to be equivalent to indictment. To enable the reader to judge for himself, I shall state, in due order, the several statutes relative to bail in criminal cases, or as much of them as may be material to the point in question, omitting superfluous words. *If I* misrepresent, or do not quote with fidelity, it will not be difficult to detect me.

† The statute of Westminster the first, in 1275, sets forth that, "Forasmuch as Sheriffs and others, who have taken and kept in prison persons detected of felony, and incontinent have left out by replevin such as were *not replevisable* because they would gain of the one

* 1 *Ed.* III. *cap.* 8.—and 7 *Rich.* II. *cap.* 4.

† "*Videtur que le statute de mainprise nest que rehersall del comen ley.*" Bro. Mainp. 61.

party and grieve the other; and, forasmuch as, before this time, it was not determined which persons were replevisable and which not, it is provided and by the King commanded that such prisoners, &c. as be *taken with the maner*, &c. or for *manifest* offences, shall be *in no wise* replevisable by the common writ, nor without writ *."—Lord Coke, in his exposition of the last part of this quotation, accurately distinguishes between *replevy* by the common writ or ex officio, and *bail* by the King's Bench. The words of the statute certainly do not extend to the judges of that court. But, besides that the reader will soon find reason to think that the legislature, in their intention, made no difference between *bailable* and *replevisable*, Lord Coke himself (if he be understood to mean nothing but an exposition of the statute of Westminster, and not to state the law generally) does not adhere to his own distinction. In expounding the other offences, which, by this sta-

* "There are three points to be considered in the construction of all remedial statutes,—the old law, the mischief, and the remedy,—that is, how the common law stood at the making of the act, what the mischief was for which the common law did not provide, and what remedy the parliament hath provided to cure this mischief. It is the business of the judges so to construe the act, as to suppress the mischief and advance the remedy"

Blackstone, 1. 87.

tute, are declared *not replevisable*, he constantly uses the words *not bailable*.—"That outlaws, for instance, are *not bailable at all*;—that persons, who have abjured the realm, are attainted upon their own confession, and therefore *not bailable at all by law*;—that provers are *not bailable*;—that notorious felons are *not bailable*." The reason, why the superior courts were not named in the statute of Westminster, was plainly this, "because anciently most of the business, touching bailment of prisoners for felony or misdemeanors, was performed by the sheriffs, or special bailiffs of liberties, either by writ, or *virtute officii* *"; consequently the superior courts had little or no opportunity to commit those abuses, which the statute imputes to the sheriffs.—With submission to Doctor Blackstone, I think he has fallen into a contradiction, which, in terms at least, appears irreconcileable. After enumerating several offences not bailable, he asserts, without any condition or limitation whatsoever †, "all these are clearly not admissible to bail." Yet in a few lines after he says, "*it is agreed* that the court of King's Bench may bail for any crime whatsoever, *according to circumstances of* the case." To his first proposition he should have added, *by sheriffs or*

* 2 *Hale*, P. C. 128. 136.

† *Blackstone*, 4. 296.

justices; otherwise the two propositions contradict each other; with this difference however, that the first is absolute, the second limited by *a consideration of circumstances.* I say this without the least intended disrespect to the learned author. His work is of public utility, and should not hastily be condemned.

The statute of 17 *Richard* II. *cap.* 10. 1393, sets forth, that forasmuch as thieves "notoriously defamed, *and others taken with the maner*, by their long abiding in prison, were delivered by charters, and favourable inquests procured, to the great hinderance of the people, two men of law shall be assigned, in every commission of the peace, to proceed to the deliverance of such felons, &c." It seems by this act, that there was a constant struggle between the legislature and the officers of justice. Not daring to admit felons *taken with the maner* to bail or mainprize, they evaded the law by keeping the party in prison a long time, and then delivering him without due trial.

The statute of 1 *Richard* III. in 1483, sets forth, that "forasmuch as divers persons have been daily arrested and imprisoned for *suspicion* of felony, sometime of malice, and sometime of *a light suspicion*, and so kept in prison without bail or mainprize, be it ordained that every justice of peace shall have authority, by his dis-

cretion, to let such prisoners and persons so arrested to bail or mainprize."—By this act it appears that there had been abuses in matter of imprisonment, and that the legislature meant to provide for the immediate enlargement of persons arrested on *light suspicion* of felony.

The statute of 3 Henry VII. in 1486, declares, that " under colour of the preceding act of Richard the third, persons,* *such as were not mainpernable*, were oftentimes let to bail or mainprize, by justices of the peace, whereby many murderers and felons escaped, the King, &c. hath ordained, that the justices of the peace, or two of them at least (whereof one to be of the *quorum*) have authority to let any such prisoners or persons, mainpernable by the law, to bail or mainprize."

The statute of 1st and 2d of Philip and Mary, in 1554, sets forth, that " notwithstanding the preceding statute of Henry the seventh, *one* justice of peace hath oftentimes, by sinister labour and means, set at large the greatest and notablest offenders, *such as be not replevisable by the laws of this realm*, and yet, the rather to hide their affections in that behalf, have assigned the cause of their apprehension to be but only for *suspicion* of felony, whereby the said offenders have escaped unpunished, and do daily, to the high displeasure of Almighty God, the great peril of the King and Queen's true subjects,

and encouragement of all thieves and evil-doers;—for reformation whereof be it enacted, that no justices of peace shall let to bail or mainprize any such persons, which, for any offence by them committed, be declared *not* to be *replevised*, or *bailed*, or be forbidden to be *replevised* or *bailed* by the statute of Westminster the first; and furthermore that any persons, arrested for manslaughter or felony, *being bailable by the law*, shall not be let to bail or mainprize, by any justices of peace, but in the form therein-after prescribed."—In the two preceding statutes, the words *bailable*, *replevisable*, and *mainpernable* are used synonymously *, or promiscuously to express the same single intention of the legislature, viz. *not to accept of any security but the body of the offender*; and when the latter statute prescribes the form, in which persons arrested on *suspicion* of felony (*being bailable by the law*) may be let to bail, it evidently supposes that there are some cases, *not* bailable by the law.—It may be thought perhaps, that I attribute to the legislature an appearance of inaccuracy in the use of terms, merely to serve my present purpose. But, in truth, it would make more forcibly for my argument to presume that the legislature were constantly aware of the strict legal distinction between *bail* and *replevy*,

* 2 Hale, P. C. 2. 124.

and that they always meant to adhere to it*. For if it be true that *replevy* is by the sheriffs, and *bail* by the higher courts at Westminster, (which I think no lawyer will deny) it follows that, when the legislature expressly say, that any particular offence is by law *not bailable*, the superior courts are comprehended in the prohibition, and bound by it. Otherwise, unless there was a positive exception of the superior courts (which I affirm there never was in any statute relative to bail) the legislature would grossly contradict themselves, and the manifest intention of the law be evaded. It is an established rule that, when the law is *special*, and the reason of it general, it is to be *generally* understood; and though, by custom, a latitude be allowed to the court of King's Bench, (to consider circumstances inductive of a doubt whether the prisoner be guilty or innocent) if this latitude be taken as an arbitrary power to bail, when no circumstances whatsoever are alledged in favour of the prisoner, it is a power without right, and a daring violation of the whole English law of bail.

The act of the 31st of Charles the second

* *Vide* 2 Inst. 150. 186.—" The word *replevisable* never signifies *bailable*. *Bailable*, is in a court of record by the King's justices; but *replevisable* is by the Sheriff."

Selden, State Tr. 7. 149.

(commonly called the *Habeas Corpus Act*) particularly declares, that it is not meant to extend to treason or felony plainly and specially expressed in the warrant of commitment. The prisoner is therefore left to seek his *Habeas Corpus* at common law; and so far was the legislature from supposing that persons, (committed for treason or felony plainly and specially expressed in the warrant of commitment) could be let to bail by a single judge, or by the whole court, that this very act provides a remedy for such persons, in case they are not indicted in the course of the term or session subsequent to their commitment. The law neither suffers them to be enlarged before trial, nor to be imprisoned after the time, in which they ought regularly to be tried. In this case the law says, "It shall and may be lawful to and for the judges of the court of King's Bench and justices of oyer and terminer, or general gaol delivery, and they are hereby required, upon motion to them made in open court, the last day of the term, session, or gaol delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail; unless it appear to the judges and justices, upon oath made, that the witnesses for the King could not be produced the same term, sessions, or gaol delivery."—Upon the whole of this article I observe,

1°. That the provision, made in the first part of it, would be, in a great measure, useless and nugatory, if any single judge might have bailed the prisoner *ex arbitrio*, during the vacation; or if the court might have bailed him immediately after the commencement of the term or sessions.—2°. When the law says, *It shall and may be lawful* to bail for felony under particular circumstances, we must presume that, before the passing of that act, it was *not* lawful to bail under those circumstances. The terms used by the legislature are *enacting*, not *declaratory*.—3°. Notwithstanding the party may have been imprisoned during the greatest part of the vacation, and during the whole session, the court are expressly forbidden to bail him from that session to the next, if oath be made that the witnesses for the King could not be produced that same term or sessions.

Having faithfully stated the several acts of parliament relative to bail in criminal cases, it may be useful to the reader to take a short, historical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and since the conquest, all felonies were bailable, till murder was excepted by statute, so that persons might be admitted to bail, before conviction, almost in every case. The statute of West-

'minster says that, before that time, it had not been determined, which offences were replevisable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the Sheriff. It is very remarkable that the abuses arising from this unlimited power of replevy, dreadful as they were, and destructive to the peace of society, were not corrected or taken notice of by the legislature, until the commons of the kingdom had obtained a share in it by their representatives; but the House of Commons had scarce begun to exist, when these formidable abuses were corrected by the statute of Westminster. It is highly probable that the mischief had been severely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons. * "The iniquity of the times was so great, as it even forced the subjects to forego that, which was in account a great liberty, to stop the course of a growing mischief." The preamble to the statutes, made by the first parliament of Edward the first, assigns the reason of calling it, † "because the people had been otherwise entreated than they ought to be, the peace less kept, the laws less used, and *offenders less punished* than they ought to be, by reason whereof the people feared less

* *Selden*, by *N. Bacon*. 182.

† Parliamentary History. 1. 82.

to offend;" and the first attempt to reform these various abuses was by contracting the power* of replevying felons.

For above two centuries following it does not appear that any alteration was made in the law of bail, except that *being taken with vert* or *venison* was declared to be equivalent to indictment. The legislature adhered firmly to the spirit of the statute of Westminster. The statute of 27th of Edward the first directs the justices of assize to enquire and punish officers bailing such as were *not bailable*. As for the judges of the superior courts, it is probable that, in those days, they thought themselves bound by the obvious intent and meaning of the legislature. They considered not so much to what particular persons the prohibition was addressed, as what the *thing* was, which the legislature meant to prohibit, well knowing that in law, *quando aliquid prohibetur, prohibetur et omne, per quod devenitur ad illud.* "When any thing is forbidden, all the means, by which the same thing may be compassed or done, are equally forbidden."

By the statute of Richard the third, the power of bailing was a little enlarged. Every justice of peace was authorized to bail for felony; but they were expressly confined to persons arrested *on light suspicion;* and even this power,

so limited, was found to produce such inconveniences that, in three years after, the legislature found it necessary to repeal it. Instead of trusting any longer to a single justice of peace, the act of 3d Henry VIIth, repeals the preceding act, and directs "that no prisoner, *(of those who are mainpernable by the law)* shall be let to bail or mainprize, by less than *two* justices, whereof one to be of the quorum." And so indispensably necessary was this provision thought, for the administration of justice, and for the security and peace of society, that, at this time, an oath was proposed by the King to be taken by the knights and esquires of his household, by the members of the House of Commons, and by the peers spiritual and temporal, and accepted and sworn to *quasi unâ voce* by them all, which, among other engagements, binds them "not to let any man to bail or mainprize, knowing and deeming him to be a felon, upon your honour and worship. So help you God and all saints*".

In about half a century however even these provisions were found insufficient. The act of Henry the seventh was evaded, and the legislature once more obliged to interpose. The act of 1st and 2d of Philip and Mary takes away intirely from the justices all power of bailing

* Parliamentary History, 2. 419.

for offences declared *not bailable* by the statute of Westminster.

The illegal imprisonment of several persons, who had refused to contribute to a loan exacted by Charles the first, and the delay of the *Habeas Corpus* and subsequent refusal to bail them, constituted one of the first and most important grievances of that reign. Yet when the House of Commons, which met in the year 1628, resolved upon measures of the most firm and strenuous resistance to the power of imprisonment assumed by the King or privy-council, and to the refusal to bail the party on the return of the *Habeas Corpus*, they did expressly, in all their resolutions, make an exception of commitments, where the cause of the restraint was expressed, and did by law justify the commitment. The reason of the distinction is, that, whereas when the cause of commitment is expressed, the crime is then known and the offender must be brought to the ordinary trial; if, on the contrary, no cause of commitment be expressed, and the prisoner be thereupon remanded, it may operate to perpetual imprisonment. This contest with Charles the first produced the act of the 16th of that King, by which the court of King's Bench are directed, within three days after the return to the *Habeas Corpus* to examine and determine the legality of any commitment by the

King or privy-council, and to do *what to justice shall appertain* in delivering, bailing, or *remanding* the prisoner.—*Now*, it seems, it is unnecessary for the judge to do what appertains to justice. The same scandalous traffic, in which we have seen the privilege of parliament exerted or relaxed, to gratify the present humour, or to serve the immediate purpose of the crown, is introduced into the administration of justice. The magistrate, it seems, has now no rule to follow, but the dictates of personal enmity, national partiality, or perhaps the most prostituted corruption.

To complete this historical inquiry, it only remains to be observed that, the *Habeas Corpus* act of 31st of Charles the second, so justly considered as another Magna Charta of the kingdom "extends only to the case of commitments for such criminal charge, as can produce no inconvenience to public justice by a temporary enlargement of the prisoner*."—So careful were the legislature, at the very moment, when they were providing for the liberty of the subject, not to furnish any colour or pretence for violating or evading the established law of bail in the higher criminal offences. But the exception, stated in the body of the act, puts the matter out of all doubt. After directing the

* Blackstone. 4. 137.

judges how they are to proceed to the discharge of the prisoner upon recognizance and surety, having regard to the quality of the prisoner and nature of the offence, it is expressly added, "unless it shall appear to the said Lord Chancellor, &c. that the party, so committed, is detained for such matters, or offences, for the which, BY THE LAW THE PRISONER IS NOT BAILABLE."

When the laws, plain of themselves, are thus illustrated by facts, and their uniform meaning established by history, we do not want the authority of opinions however respectable, to inform our judgment or to confirm our belief. But I am determined that you shall have no escape. Authority of every sort shall be produced against you, from *Jacob* to *Lord Coke*, from the dictionary to the classic.—In vain shall you appeal from those upright judges, whom you disdain to imitate, to those whom you have made your example. With one voice, they all condemn you.

"To be taken with the *maner* is where a thief, having stolen any thing, is taken with the same about him, as it were in his hands, which is called *flagrante delicto*. Such a criminal is *not bailable by law*."—*Jacob under the word Maner*.

"Those who are taken with the *Maner*, are excluded, by the statute of Westminster,

from the benefit of a replevin."—*Hawkins. P. C.* 2. 98.

"Of such heinous offences no one, who is notoriously guilty, seems to be *bailable* by the intent of this statute."—*D°*. 2. 99.

"The common practice, and allowed general rule is, that bail is only then proper where it stands *indifferent* whether the party were guilty or innocent."—*D°*. *D°*.

"There is no doubt but that the bailing of a person, *who is not bailable by law*, is punishable either at common law as a negligent escape, or as an offence against the several statutes relative to bail."——*D°*. 89.

"It cannot be doubted but that, neither the judges of this, nor of any other superior court of justice, are strictly within the purview of that statute, yet they will always, in their discretion, pay a due regard to it, and not admit a person to bail, who is expressly declared by it irreplevisable, *without some particular circumstance in his favour*; and therefore it seems difficult to find an instance, where persons, attainted of felony, or notoriously guilty of treason or manslaughter, &c. by their own confession, or *otherwise*, have been admitted to the benefit of bail, without some special motive to the court to grant it."—*D°*. 114.

"If it appears that any man hath injury or wrong by his imprisonment, we have power to

deliver and discharge him;—if otherwise, *he is to be remanded* by us to prison again."—*Lord Ch. J. Hyde. State Trials.* 7. 115.

"The statute of Westminster was especially for direction to the Sheriffs and others, but to say courts of justice are excluded from this statute, I conceive it cannot be."—*Attorney General Heath, D°.* 132.

"The court, upon view of the return, judgeth of the sufficiency or insufficiency of it. If they think the prisoner *in law* to be *bailable*, he is committed to the Marshal and bailed; if not, he is remanded."—Through that whole debate the objection, on the part of the prisoners, was, that no cause of commitment was expressed in the warrant; but it was uniformly admitted by their counsel that, if the cause of commitment had been expressed for treason or felony, the court would then have done right in remanding them.

The Attorney General having urged, before a committee of both houses, that, in Beckwith's case and others, the lords of the council sent a letter to the court of King's Bench to bail; it was replied by the managers for the House of Commons, that this was of no moment, "for that either the prisoner was *bailable by the law*, or *not bailable*;—if bailable by the law, then he

was to be bailed without any such letter;—if not bailable by the law, then plainly the judges could not have bailed him upon the letter, without breach of their oath, which is, *that they are to do justice according to the law, &c.*"—*State Trials.* 7. 175.

"So that, in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, hath been exercised, when it stands *wholly indifferent* in the eye of the court, whether the prisoner be guilty or not."—*Selden. State Trials.* 7. 230. 1.

"I deny that a man is always bailable, when imprisonment is imposed upon him for custody." —*Attorney General Heath, D°.* 238.—By these quotations from the State Trials, though otherwise not of authority, it appears plainly that, in regard to *bailable* or *not bailable*, all parties agreed in admitting one proposition as incontrovertible.

"In relation to capital offences there are especially these acts of parliament that are the common *landmarks** touching offences bailable or not bailable."—*Hale* 2. *P. C.* 127. The enumeration includes the several acts cited in this paper.

* It has been the study of Lord Mansfield to remove landmarks.

" Persons, taken with the *Manouvre*, are not bailable, because it is *furtum manifestum.*" —*Hale* 2. *P. C.* 133.

" The writ of *Habeas Corpus* is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, if bailable, they are to be bailed;—*if not bailable, they are to be committed.*"—*Hale* 2. *P. C.* 143. This doctrine of Lord Chief Justice Hale refers immediately to the superior courts from whence the writ issues.—" After the return is filed, the court is either to discharge, or bail, or *commit* him, as the nature of the cause requires."—*Hale* 2. *P. C.* 146.

" If bail be granted, *otherwise than the law alloweth*, the party that alloweth the same, shall be fined, imprisoned, render damages, or forfeit his place, as the case shall require."—*Selden by N. Bacon.* 182.

" This induces an absolute necessity of expressing, upon every commitment, the reason, for which it is made; that the court, upon a *Habeas Corpus*, may examine into its validity, and, *according to the circumstances of the case*, may discharge, admit to bail, or *remand* the prisoner."—*Blackstone.* 3. 133.

" Marriot was committed for forging indorsements upon bank bills, and, upon a *Habeas Corpus*, was bailed, because the crime was only



a great misdemeanor;—for though the forging the bills be felony, yet forging the indorsement is not."—*Salkeld.* 1. 104.

"Appell de Mahem, &c. ideo ne fuit lesse a baille, nient plus que in appell de robbery ou murder; quod nota, et que in robry et murder le partie n'est baillable."—*Bro. Mainprise*, 67.

"The intendment of the law in bails is, *quod stat indifferenter*, whether he be guilty or no; but, when he is convict by verdict or confession, then he must be deemed in law to be guilty of the felony, and therefore *not bailable at all.*—*Coke* 2. *Inst.* 188.—4. 178.

"Bail is *quando stat indifferenter*, and *not* when the offence is open and manifest."—2. *Inst.* 189.

"In this case *non stat indifferenter*, whether he be guilty or no, being taken with the *Maner*, that is, with the thing stolen, as it were in his hand."—*D°. D°.*

"If it appeareth that this imprisonment be just and lawful, he *shall be remanded* to the former gaoler; but, if it shall appear to the court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him; if it be *doubtful*, and under consideration, he may be bailed."—2. *Inst. 55.*

It is unnecessary to load the reader with any farther quotations. If these authorities are

not deemed sufficient to establish the doctrine maintained in this paper, it will be in vain to appeal to the evidence of law-books, or to the opinions of judges. They are not the authorities by which Lord Mansfield will abide. He assumes an arbitrary power of doing right; and, if he does wrong, it lies only between God and his conscience.

Now, my Lord, although I have great faith in the preceding argument, I will not say, that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning, quibbling attorney might not discover a flaw. But, taking the whole of it together, I affirm that it constitutes a mass of demonstration, than which nothing more complete or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer in point of defence at the bar of the House of Lords, is worth your consideration. If, after all that has been said, it should still be maintained, that the court of King's Bench, in bailing felons, are exempted from all legal rules whatsoever, and that the judge has no direction to pursue, but his private affections, or mere unquestionable will and plea-

sure, it will follow plainly, that the distinction between *bail.ble* and *not bailable*, uniformly expressed by the legislature, current through all our law-books, and admitted by all our great lawyers without exception, is in one sense a nugatory, in another a pernicious distinction. It is nugatory, as it supposes a difference in the bailable quality of offences, when, in effect, the distinction refers only to the rank of the magistrate. It is pernicious, as it implies a rule of law, which yet the judge is not bound to pay the least regard to, and impresses an idea upon the minds of the people, that the judge is wiser and greater than the law.

It remains only to apply the law, thus stated, to the fact in question. By an authentic copy of the *mittimus* it appears that John Eyre was committed for felony, plainly and specially expressed in the warrant of commitment. He was charged before Alderman Halifax by the oath of Thomas Fielding, William Holder, William Payne, and William Nash, for *feloniously stealing* eleven quires of writing-paper, value six shillings, the property of Thomas Beach, &c.— by the examinations, upon oath, of the four persons mentioned in the *mittimus*, it was proved, that large quantities of paper had been missed, and that eleven quires (previously marked from a suspicion that Eyre was the thief) were found upon him. Many other quires of paper, marked

in the same manner, were found at his lodgings; and after he had been sometime in Wood-street Compter, a key was found in his room there, which appeared to be a key to the closet at Guildhall, from whence the paper was stolen. When asked what he had to say in his defence, his only answer was, *I hope you will bail me.* Mr. Holder, the Clerk, replied, *That is impossible. There never was an instance of it, when the stolen goods were found upon the thief.* The Lord Mayor was then applied to, and refused to bail him.—Of all these circumstances it was your duty to have informed yourself minutely. The fact was remarkable, and the Chief Magistrate of the city of London was known to have refused to bail the offender. To justify your compliance with the solicitations of your three countrymen, it should be proved that such allegations were offered to you, in behalf of their associate, as honestly and *bona fide* reduced it to a matter of doubt and indifference whether the prisoner was innocent or guilty.—Was any thing offered by the Scotch triumvirate that tended to invalidate the positive charge made against him by four credible witnesses upon oath?—Was it even insinuated to you, either by himself or his bail, that no felony was committed;—or that *he* was not the felon;—that the stolen goods were *not* found upon him;—or that he was only the receiver, not knowing them to be stolen?—Or,

in short, did they attempt to produce any evidence of his insanity?—To all these questions, I answer for you, without the least fear of contradiction, positively NO. From the moment he was arrested, he never entertained any hope of acquittal; therefore thought of nothing but obtaining bail, that he might have time to settle his affairs, convey his fortune into another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the Lord Chief Justice of England most readily and heartily concurred. At sight of so much virtue in distress, your natural benevolence took the alarm. Such a man as Mr. Eyre, struggling with adversity, must always be an interesting scene to Lord Mansfield.—Or was it that liberal anxiety, by which your whole life has been distinguished, to enlarge the liberty of the subject?—My Lord, we did not want this new instance of the liberality of your principles. We already knew what kind of subjects they were, for whose liberty you were anxious. At all events, the public are much indebted to you for fixing a price, at which felony may be committed with impunity. You bound a felon, notoriously worth thirty thousand pounds, in the sum of three hundred. With your natural turn to equity, and knowing, as you are, in the doctrine of precedents, you undoubtedly meant to settle the proportion between

the fortune of the felon, and the fine, by which he may compound for his felony. The ratio now upon record, and transmitted to posterity, under the auspices of Lord Mansfield, is exactly one to a hundred.—My Lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indulgence of their passions they have an eye to the expense, and if their other virtues fail us, we have a resource in their economy.

By taking so trifling a security from John Eyre, you invited and manifestly exhorted him to escape. Although in bailable cases, it be usual to take four securities, you left him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him neither justifies your conduct, nor can it be any way accounted for, but by his excessive and monstrous avarice. Any other man, but this bosom-friend of three Scotchmen, would gladly have sacrificed a few hundred pounds, rather than submit to the infamy of pleading guilty in open court. It is possible indeed that he might have flattered himself, and not unreasonably, with the hopes of a pardon. That he would have been pardoned seems more than probable, if I had not directed the public attention to the leading step you took in favour of him. In the present gentle

reign, we well know what use has been made of the lenity of the court and of the mercy of the crown. The Lord Chief Justice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother *Smythe* browbeats a jury, and forces them to alter their verdict, by which they had found a Scotch serjeant guilty of murder; and though the Kennedies were convicted of a most deliberate and atrocious murder, they still had a claim to the royal mercy*.—They were saved by the

* The case of the Kennedies is stated in note to p. 153 of this volume—That of John Taylor, is as follows: He was a serjeant in the first, or royal Scots regiment of foot, and was tried at the Guildford summer assizes, in the year 1770, for the murder of James Smith, the master of the Wheatsheaf, near Westminster bridge. It appeared upon the trial, that the deceased had uttered some aggravating expressions against the Scots; in consequence of which, the prisoner being suddenly thrown off his guard, drew his sword and stabbed him. The jury, after deliberating a considerable time, brought in a verdict of *guilty*, on which Mr. Baron Smythe expressed his surprise, adding that he had told them it was only manslaughter, and desired that a *special* verdict should be drawn up, which the *intimidated* jury signed. On this Mr. Jasper Smith, a near relation of the deceased, addressed the court in the following words:—" My Lord, I am the nearest of kin to the unfortunate man who was murdered. I always thought, my Lord, when a verdict was once given, it was unalterable, but by the present method of proceeding there need not have been any jury at all. It is as plain a murder as can be, and I am persuaded

chastity of their connections.—They had a sister; —yet it was not her beauty, but the pliancy of her virtue that recommended her to the King.—The holy author of our religion was seen in the company of sinners; but it was his gracious purpose to convert them from their sins. Another man, who in the ceremonies of our faith might give lessons to the great enemy of it, upon different principles keeps much the same company. He advertises for patients, collects all the diseases of the heart, and turns a royal palace into an hospital for incurables.—A man

suaded your Lordship thinks so." To this speech no reply was given. The decision of the judge, in the above case, occasioned some severe animadversions on his conduct, and several queries were addressed to him upon the subject, which were repeatedly inserted in the Public Advertiser, so as to become extremely conspicuous. This account however, extracted from that paper, does not seem to contain the whole train of the circumstances which preceded this unfortunate catastrophe, for when Taylor was brought to the bar of the King's Bench, February 8, 1778, Lord Mansfield, who read the minutes of the evidence as taken down by Baron Smythe, who presided at the trial, observed, that it appeared that the prisoner had been three times assaulted by Smith, the deceased, collared and violently thrown backward upon a bench without any provocation, turned out of the house, and called by the most opprobrious names; and farther, that when out in the street, he was pursued and attacked by two men, before he offered to draw his sword; from which circumstances the court was unanimously of opinion that he had only been guilty of manslaughter, and sentenced him to be burnt in the hand, which was performed accordingly, behind the bar.

Mr. Dun-

of honour has no ticket of admission at St. James's. They receive him, like a virgin at the Magdalen;—*Go thou and do likewise.*

My charge against you is now made good. I shall however be ready to answer or to submit to fair objections*. If, whenever this matter shall be agitated, you suffer the doors of the House of Lords to be shut, I now protest, that I shall consider you as having made no reply. From that moment, in the opinion of the world,

Mr. Dunning also, a strong oppositionist, defended Mr. Baron Smythe's conduct in respect to the trial alluded to by JUNIUS, in a speech spoken on a motion made by Mr. Serjeant Glynn, December 6, 1770, "for an inquiry into the administration of criminal justice, and the proceedings of the judges in Westminster-hall, particularly in cases relating to the liberty of the press and the constitutional power and duty of juries." Mr. Dunning's words are as follow:—"It is not that the characters of the judges are not traduced by groundless accusations, and scandalous aspersions. These are grievances which every one sees, and every one laments. Judge Smythe, for example, has, to my knowledge, been very injuriously treated. His conduct in trying the Scotch serjeant at Guildford, for which he has been so much abused in print, and now arraigned in Parliament, was, in my opinion, very fair and honourable. I was consulted on the affair as an advocate, and I must say that I perfectly coincided with him in sentiment. Had I been in his place, I must have fallen under the same odium; for my conscience would not have allowed me to use any other language but that of Baron Smythe."
EDIT.

* See Miscellaneous Letter, No. CVI. in which JUNIUS defends the present Letter against several attacks which had been made upon it in the Public Advertiser. EDIT.

you will stand self-convicted. Whether your reply be quibbling and evasive, or liberal and in point, will be matter for the judgment of your peers;—but if, when every possible idea of disrespect to that noble house, (in whose honour and justice the nation implicitly confides) is here most solemnly disclaimed, you should endeavour to represent this charge as a contempt of their authority, and move their Lordships to censure the publisher of this paper, I then affirm that you support injustice by violence, that you are guilty of a heinous aggravation of your offence, and that you contribute your utmost influence to promote, on the part of the highest court of judicature, a positive denial of justice to the nation.

JUNIUS.

LETTER LXIX.

TO THE RIGHT HONOURABLE LORD CAMDEN *.

MY LORD,

I TURN with pleasure, from that barren waste, in which no salutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification. I call upon you, in the name of the English nation, to stand forth in defence of the laws of your country, and to exert, in the

* This Letter followed the preceding in the Public Advertiser of January 21, 1772.

cause of truth and justice, those great abilities, with which you were entrusted for the benefit of mankind. To ascertain the facts, set forth in the preceding paper, it may be necessary to call the persons, mentioned in the *mittimus*, to the bar of the House of Lords*. If a motion for that purpose should be rejected, we shall know what to think of Lord Mansfield's innocence. The legal argument is submitted to your Lordship's judgment. After the noble stand you made against Lord Mansfield upon the question of libel, we did expect that you would not have suffered that matter to have remained undetermined. But it was said that Lord Chief Justice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was supposed to make against you; and we admit of the excuse. When such detestable arts are employed to prejudge a question of right, it might have been imprudent, at that time, to have brought it to a decision. In the present instance you will have no such opposition to contend with. If there be a judge, or a lawyer of any note in Westminster-hall, who shall be

* In the case of Lord Mansfield's having bailed Eyre, Lord Camden had openly expressed his opinion that the bail was illegal, and had given reason to expect that he would make it the subject of a parliamentary enquiry on the commencement of the ensuing session. JUNIUS refers to this generally conceived pledge, and strives, (though the effort was in vain) to induce his Lordship to redeem it. EDIT.

daring enough to affirm that, according to the true intendment of the laws of England, a felon, taken with the *Maner*, *in flagranti delicto*, is bailable; or that the discretion of an English judge is merely arbitrary, and not governed by rules of law,—I should be glad to be acquainted with him. Whoever he be, I will take care that he shall not give you much trouble. Your Lordship's character assures me that you will assume that principal part, which belongs to you, in supporting the laws of England, against a wicked judge, who makes it the occupation of his life, to misinterpret and pervert them. If you decline this honourable office, I fear it will be said that, for some months past, you have kept too much company with the Duke of Grafton. When the contest turns upon the interpretation of the laws, you cannot, without a formal surrender of all your reputation, yield the post of honour even to Lord Chatham. Considering the situation and abilities of Lord Mansfield, I do not scruple to affirm, with the most solemn appeal to God for my sincerity, that, in *my* judgment, he is the very worst and most dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to punishment. But mine is an inferior, ministerial office in the temple of justice.—I have bound the victim, and dragged him to the altar.

JUNIUS.

THE Reverend Mr. John Horne having, with his usual veracity and honest industry, circulated a report that JUNIUS, in a letter to the Supporters of the Bill of Rights, had warmly declared himself in favour of long parliaments and rotten boroughs, it is thought necessary to submit to the public the following extract from his letter to John Wilkes, Esq; * dated the 7th of September, 1771, and laid before the society on the 24th of the same month.

"With regard to the several articles, taken separately, I own I am concerned to see that the great condition, which ought to be the *sine quâ non* of parliamentary qualification,—which ought to be the basis (as it assuredly will be the only support) of every barrier raised in defence of the constitution, I mean *a declaration upon oath to shorten the duration of parliaments*, is reduced to the fourth rank in the esteem of the society; and, even in that place, far from being insisted on with firmness and vehemence, seems to have been particularly slighted in the expression.—*You shall endeavour to restore annual parliaments!* —Are these the terms, which men, who are in earnest, make use of, when the *salus reipublicæ* is at stake?—I expected other language from Mr.

* This letter is given entire in the private correspondence between JUNIUS and Mr. WILKES, which will be found in Vol. I. of this work. EDIT.

Wilkes.—Besides my objection in point of form, I disapprove highly of the meaning of the fourth article as it stands. Whenever the question shall be seriously agitated, I will endeavour (and if I live will assuredly attempt it) to convince the English nation, by arguments to *my* understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament. . . . . I am convinced that, if shortening the duration of parliaments (which in effect is keeping the representative under the rod of the constituent) be not made the basis of our new parliamentary jurisprudence, other checks or improvements signify nothing. On the contrary, if this be made the foundation, other measures may come in aid, and, as auxiliaries, be of considerable advantage. Lord Chatham's project, for instance, of increasing the number of knights of shires, appears to me admirable . . . . As to cutting away the rotten boroughs, I am as much offended as any man at seeing so many of them under the direct influence of the crown, or at the disposal of private persons. Yet, I own, I have both doubts and apprehensions, in regard to the remedy you propose. I shall be charged perhaps with an unusual want of political intrepidity, when I honestly confess to you, that I am startled at the idea of so extensive an amputation.—In the first place, I question the power,

de jure, of the legislature to disfranchise a number of boroughs, upon the general ground of improving the constitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that, which confounds the idea of a *supreme* and an *arbitrary* legislature. I need not point out to you the fatal purposes, to which it has been, and may be applied. If we are sincere in the political creed we profess, there are many things, which we ought to affirm, cannot be done by King, Lords, and Commons. Among these I reckon the disfranchising of boroughs with a general view of improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I say that, although this birthright may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away, by a general law, for any real or pretended purpose of improving the constitution. Supposing the attempt made, I am persuaded you cannot mean that either King or Lords should take an active part in it. A bill, which only touches the representation of the people, must originate in the House of Commons. In the formation and mode of passing it, the exclusive right of the Commons must be asserted as scrupulously, as in the case of a money-bill. Now, Sir, I should be glad to know by what kind of reasoning it can be proved,

that there is a power vested in the representative to destroy his immediate constituent. From whence could he possibly derive it? A courtier, I know, will be ready to maintain the affirmative. The doctrine suits him exactly, because it gives an unlimited operation to the influence of the crown. But we, Mr. Wilkes, ought to hold a different language. It is no answer to me to say, that the bill when it passes the House of Commons, is the act of the majority, and not the representatives of the particular boroughs concerned. If the majority can disfranchise ten boroughs, why not twenty, why not the whole kingdom? Why should not they make their own seats in parliament for life?—When the septennial act passed, the legislature did what, apparently and palpably, they had no power to do; but they did more than people in general were aware of: they, in effect, disfranchised the whole kingdom for four years.

"For argument's sake, I will now suppose, that the expediency of the measure, and the power of parliament are unquestionable. Still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation?—When you propose to cut away the *rotten* parts, can you tell us

what parts are perfectly *sound?*—Are there any certain limits, in fact or theory, to inform you at what point you must stop, at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon the subject. Besides that I approve highly of Lord Chatham's idea *of infusing a portion of new health into the constitution to enable it to bear its infirmities*, (a brilliant expression, and full of intrinsic wisdom) other reasons concur in persuading me to adopt it. I have no objection," &c.

The man, who fairly and completely answers this argument, shall have my thanks and my applause. My heart is already with him.—I am ready to be converted.—I admire his morality, and would gladly subscribe to the articles of his faith.—Grateful, as I am, to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind, a gift worthy of the divinity; nor any assistance, in the improvement of them, a subject of gratitude to my fellow-creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.

JUNIUS.

3

MISCELLANEOUS LETTERS

OF

JUNIUS.

MISCELLANEOUS LETTERS

OF

JUNIUS.

LETTER I.

FOR THE PUBLIC ADVERTISER.

28 *April*, 1767.

Dictatura, quam in summis reipublicæ angustiis acceperat, per pacem continuata, libertatem fregit; donec illum conversus in rabiem populus, et dii ultores de saxo Tarpeio dejecerunt. LIVY.

THE bravest and freest nations have sometimes submitted to a temporary surrender of their liberties, in order to establish them for ever. At a crisis of public calamity or danger, the prudence of the state placed a confidence in the virtue of some distinguished citizen, and gave him power sufficient to preserve or to oppress his country. Such was the Roman dictator, and while his office was confined to a short

period, and only applied as a remedy to the disasters of an unsuccessful war, it was usually attended with the most important advantages, and left no dangerous precedent behind. The dictator finding employment for all his activity in repulsing a foreign invasion, had but little time to contrive the ruin of his own country, and his ambition was nobly satisfied by the honour of a triumph, and the applause of his fellow-citizens. But as soon as this wise institution was corrupted, when that unlimited trust of power, which should have been reserved for conjunctures of more than ordinary difficulty and hazard, was without necessity committed to one man's uncertain moderation, what consequence could be expected but that the people should pay the dearest price for their simplicity, nor ever resume those rights, which they could vainly imagine were more secure in the hands of a single man, than where the laws and constitution had placed them.

Without any uncommon depravity of mind, a man so trusted might lose all ideas of public principle or gratitude, and not unreasonably exert himself to perpetuate a power, which he saw his fellow-citizens weak and abject enough to surrender to him. But if, instead of a man of a common mixed character, whose vices might be redeemed by some appearance of virtue and

generosity, it should have unfortunately happened that a nation had placed all their confidence in a man purely and perfectly bad; if a great and good prince, by some fatal delusion, had made choice of such a man for his first minister, and had delegated all his authority to him, what security would that nation have for its freedom, or that prince for his crown? The history of every nation, that once had a claim to liberty, will tell us what would be the progress of such a traitor, and what the probable event of his crimes *.

Let us suppose him arrived at that moment, at which he might see himself within reach of the great object, to which all the artifices, the intrigues, the hypocrisy and the impudence of his past life were directed. On the point of having the whole power of the crown committed to him, what would be his conduct? an affectation of prostrate humility in the closet, but a lordly dictation of terms to the people, by whose

* This severe invective is aimed against the late Lord Chatham, formerly the right honourable W. Pitt. The reader, by a perusal of the preceding letters, is already acquainted with the utter aversion which JUNIUS at first felt for this nobleman, on various political accounts, and especially on the subject of the American dispute. His aversion, however, softened as their political views approximated, and was at length converted into approbation and eulogy. See for a further explanation, the note to Miscellaneous Letter, No. XIII. Vol. III. p. 4. EDIT.

interest he had been supported, by whose fortunes he had subsisted. Has he a brother? that brother must be sacrificed *. Has he a rancor-

* Lord Temple, brother in law to Lord Chatham. They resigned their respective offices, the former of Privy Seal, and the latter of principal secretary of state, in October 1765. Lord Temple was succeeded by the Duke of Bedford; and upon his resignation by Lord Chatham himself: during which administration Lord Temple took no part whatever.

The following letter from this nobleman before his promotion to the peerage explains the motives of their joint resignation; it was addressed to a friend in the city:—

"DEAR SIR,

"Finding to my great surprise, that the cause and manner of my resigning the seals, is grossly misrepresented in the city, as well as that the most gracious and *spontaneous* marks of his Majesty's approbation of my services, which marks followed my resignation, have been infamously traduced as a bargain for my forsaking the public, I am under a necessity of declaring the truth of both these facts, in a manner which I am sure no gentleman will contradict. A difference of opinion with regard to measures to be taken against Spain, of the highest importance to the honour of the crown, and to the most essential national interests, and this founded on what Spain had already done, not on what that court may farther intend to do, was the cause of my resigning the seals. Lord Temple and I submitted in writing, and signed by us, our most humble sentiments to his Majesty, which being overruled by the united opinion of all the rest of the King's servants, I resigned the seals on Monday the 5th of this month, in order to not remain responsible for measures which I was no longer allowed to guide. Most gracious public marks of his Majesty's approbation of my services followed my resignation: they are unmerited and unsolicited,

ous enemy? that enemy must be promoted*. Have years of his life been spent in declaiming against the pernicious influence of a favourite? That favourite must be taken to his bosom, and made the only partner of his power†. But it is in the natural course of things that a despotic power, which of itself violates every principle of a free constitution, should be acquired by means, which equally violate every principle of honour and morality. The office of a grand Vizir is inconsistent with a limited monarchy, and can never subsist long but by its destruction. The same measures, by which an abandoned profligate is advanced to power, must be

unsolicited, and I shall ever be proud to have received them from the best of Sovereigns.

"I will now only add, my dear Sir, that I have explained these matters only for the honour of truth, not in any view to court return of confidence from any man, who with a credulity as weak as it is injurious, has thought fit hastily to withdraw his good opinion, from one who has served his country with fidelity and success, and who justly reveres the upright and candid judgment of it; little solicitous about the censures of the capricious and the ungenerous: accept my sincerest acknowledgments for all your kind friendship, and believe me ever with truth and esteem,

"Oct. 14, 1765.

"My dear Sir,

"Your faithful friend,

"W. PITT". EDIT.

* The Duke of Bedford. EDIT.

† Lord Bute. EDIT.

observed to maintain him in it. The principal nobility, who might disdain to submit to the upstart insolence of a dictator, must be removed from every post of honour and authority; all public employments must be filled with a despicable set of creatures, who having neither experience nor capacity, nor any weight or respect in their own persons, will necessarily derive all their little busy importance from him. As the absolute destruction of the constitution of his country would be his great object, to be consistent with that design he must exert himself to weaken and impoverish every rank and order of the community, which by the nature of their property, and the degree of their wealth, might have a particular interest in the support of the established government, as well as power to oppose any treacherous attempts against it. The landed estate must be oppressed; the rights of the merchant must be arbitrarily invaded, and his property forced from him by main force, without even the form of a legal proceeding. It will assist him much, if he can contribute to the destruction of the poor by continuing the most burthensome taxes upon the main articles of their subsistence. He must also take advantage of any favourable conjuncture to try how far the nation will bear to see the established laws suspended by proclamation, and upon such occa-

sions he must not be without an apostate lawyer, weak enough to sacrifice his own character, and base enough to betray the laws of his country*.

These are but a few of the pernicious practices by which a traitor may be known, by which a free people may be enslaved. But the masterpiece of his treachery, and the surest of answering all his purposes would be, if possible, to foment such discord between the mother-country and her colonies, as may leave them both an easier prey to his own dark machinations. With this patriotic view he will be ready to declare himself the patron of sedition, and a zealous advocate for rebellion. His doctrines will correspond with the proceedings of the people he protects, and if by his assistance they can obtain a victory over the supreme legislature of the empire, he will consider that victory as an important step towards the advancement of his main design †.

Such, Sir, in any free state, would probably be the conduct and character of a man unnecessarily trusted with exorbitant power. He

* This subject is fully explained in many parts of the Letters of JUNIUS, and in the notes now subjoined to them. The character alluded to is Earl Camden, at that time Lord Chancellor. EDIT.

† Lord Chatham, then Mr. Pitt, opposed Mr. George Grenville's Stamp Act, and denied the right of the parliament of Great Britain to legislate for America. EDIT.

must either succeed in establishing a tyranny or perish. I cannot without horror suppose it possible that this our native country should ever be at the mercy of so black a villain. But if the case should happen hereafter, I hope the British people will not be so abandoned by Providence, as not to open their eyes time enough to save themselves from destruction; and though we have no Tarpeian rock for the immediate punishment of treason, yet we have impeachments, and a gibbet is not too honourable a situation for the carcase of a traitor.

POPLICOLA.

LETTER II.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 28 *May*, 1767.

YOUR correspondent C. D. * professes to undeceive the public with respect to some

* Poplicola, the writer of this reply, by some means or other mistook the real signature, which instead of being C. D. was W. D. The letter is dated from Clifton, and is obviously from the pen of Sir W. Draper; affording a singular proof that the Knight of the Bath and JUNIUS were political opponents under signatures mutually unknown, and so far back as May 1767. The subject of Sir William's observations was a defence of Lord Chatham against some strong observations made upon his character by Mr. Wilkes, in a letter addressed to the Duke of Grafton, relative to the illegal proceedings of the Earl of

Halifax.

reflections thrown out upon the Earl of Chatham in Mr. Wilkes's letter to the Duke of Grafton. Without undertaking the defence of that gentleman's conduct or character, permit me to observe that he was the instrument, and a useful one to the party, therefore should not have been

Halifax. The letter is dated Paris, Dec. 12, 1763, and the part chiefly adverted to is the following:—

"I believe that the flinty heart of Lord Chatham has known the sweets of private friendship, and the fine feelings of humanity, as little as even Lord Mansfield. They are both formed to be admired not beloved. A proud, insolent, overbearing, ambitious man is always full of the ideas of his own importance, and vainly imagines himself superior to the equality necessary among real friends, in all the moments of true enjoyment. Friendship is too pure a pleasure for a mind cankered with ambition, or the lust of power and grandeur. Lord Chatham declared in parliament the strongest attachment to Lord Temple, one of the greatest characters our country could ever boast, and said *he would live and die with his noble brother.* He has received obligations of the first magnitude from that *noble brother,* yet what trace of gratitude or of friendship was ever found in any part of his conduct? and has he not now declared the most open variance, and even hostility? I have had as warm and express declarations of regard as could be made by this marble-hearted friend, and Mr. Pitt had no doubt his views in even feeding me with flattery from time to time; on occasions too where candour and indulgence were all I could claim. He may remember the compliments he paid me on two certain poems in the year 1754. If I were to take the declarations made by himself and the late Mr. Potter *à la letter,* they were more charmed with those verses after the ninety-ninth reading, than after the first; so that from this circumstance,

sacrificed by it. He served them perhaps with too much zeal; but such is the reward, which the tools of faction usually receive, and in some measure deserve, when they are imprudent enough to hazard every thing in support of other men's ambition.

circumstance, as well as a few of his speeches in parliament, it seems to be likew[illegible]true of the first orator, or rather the first comedian, of our age, *non displicuisse illi jocos, sed non contigisse.*

"I will now submit to your Grace, if there was not something peculiarly base and perfidious in Mr. Pitt's calling me a *blasphemer of my God* for those very verses, at a time when I was absent, and dangerously ill from an affair of honour. The charge too he knew was false, for the whole ridicule of those two pieces was confined to certain mysteries, which formerly the *unplaced and unpensioned* Mr. Pitt did not think himself obliged even to affect to believe. He added another charge equally unjust, that I was the *libeller of my King,* though he was sensible that I never wrote a single line disrespectful to the sacred person of my Sovereign, but had only attacked the despotism of his ministers, with the spirit becoming a good subject, and zealous friend of his country. The reason of this perfidy was plain. He was then beginning to pay homage to the *Scottish* idol, and I was the most acceptable sacrifice he could offer at the shrine of BUTE. History scarcely gives so remarkable a change. He was a few years ago the mad, seditious tribune of the people, insulting his Sovereign, even in his capital city, now he is the abject, crouching deputy of the proud Scot, who he declared in parliament *wanted wisdom, and held principles incompatible with freedom;* a most ridiculous character surely for a statesman, and the subject of a free kingdom, but the proper composition for a *favourite.*

Was

I cannot admit, that because Mr. Pitt was respected and honoured a few years ago, the Earl of Chatham therefore deserves to be so now; or that a description, which might have suited him at one part of his life, must of necessity be the only one applicable to him at another. It is

Was it possible for me after this to write a suppliant letter to Lord Chatham? I am the first to pronounce myself most unworthy of a pardon, if I could have obtained it on those terms.

"Although I declare, my Lord, that the conscious pride of virtue makes me look down with contempt on a man, who could be guilty of this baseness, who could in the lobby declare that I must be supported, and in the House on the same day desert and revile me, yet I will on every occasion do justice to the minister. He has served the public in all those points, where the good of the nation coincided with his own private views; and in no other. I venerate the memory of the secretary, and I think it an honour to myself that I steadily supported in parliament an administration, the most successful we ever had, and which carried the glory of the nation to the highest pitch in every part of the world. He found his country almost in despair. He raised the noble spirit of England, and strained every nerve against our enemies. His plans, when in power, were always great, though in direct opposition to the declarations of his whole life, when out of power. The invincible bravery of the British troops gave success even to the most rash, the most extravagant, the most desperate of his projects. He saw early the hostile intentions of Spain, and if the *written advice* had been followed, a very few weeks had then probably closed the last general war; although the merit of that *advice* was more the merit of his *noble brother*, than his own. After the omnipotence of Lord Bute in 1761 had forced Mr. Pitt

barely possible, that a very honest commoner may become a very corrupt and worthless peer; and I am inclined to suspect that Mr. C. D. will find but few people credulous enough to believe that either Mr. Pitt or Mr. Pultney, when they accepted of a title, did not, by that action, be-

Mr. Pitt to retire from his Majesty's councils, and the cause was declared by himself to be our conduct relative to Spain, I had the happiness of setting that affair in so clear and advantageous a light, that he expressed the most entire satisfaction, and particular obligations to my friendship. I do not however make this a claim of merit to Mr. Pitt. It was my duty, from the peculiar advantages of information I then had."

In answer to these strictures Sir William Draper in the letter subscribed W. D. and which is too long to be copied verbatim, quotes several of Mr. Wilkes's previous declarations in favour of Lord Chatham, while Mr. Pitt, and concludes as follows:—

"The letter asserts also that Lord Chatham is now the abject, crouching deputy of Lord Bute, who he declared in parliament wanted wisdom, and held principles incompatible with freedom. The world knows nothing of this abject, crouching deputed minister, but from Mr. Wilkes's single affirmation; but we all know that his Majesty has been pleased to call Lord Chatham again to the ministry: if Lord Bute supports him in it, he gives the noblest proof of generosity and greatness of soul, and has revenged himself in the finest manner upon Lord Chatham for those expressions, and affords the strongest proof that he does not want wisdom, or hold principles incompatible with freedom. What greater proof of wisdom can he give, than in supporting that person who is the most capable of doing good to his country, and has upon all occasions approved himself the most zealous protector of its liberties? But I beg pardon;

tray their friends, their country, and, in every honourable sense, themselves. Mr. C. D. wilfully misrepresents the cause of that censure, which was very justly thrown upon Lord Chatham, when the exportation of corn was prohibited by proclamation. The measure itself was necessary, and the more necessary from the scandalous delay of the ministry in calling the parliament together; but to maintain that the proclamation was legal, and that there was a suspending power lodged in the Crown, was such an outrage to the common sense of mankind, and such a daring attack upon the constitution, as a free people ought never to

don; upon a late occasion, indeed, Lord Chatham shewed himself to be no friend to liberty; he was so very tyrannical, as well as Lord Camden, that he denied some traders the right, liberty, and privilege of starving his fellow-citizens, by exporting all the corn out of the kingdom, for which he has met with his reward, and been as much abused as if he himself had been guilty of starving them. Is there no Tarpeian rock for such a tyrant?

"Mr. Wilkes has now done with Lord Chatham, leaving him to the poor consolation of a place, a peerage, and a pension; for which, he says, he has sold the confidence of a great nation. But I cannot take leave of, or have done with Mr. Wilkes, without making a few observations upon this paragraph: Mr. Wilkes is a great jester; in this place he cannot possibly be serious; for as to the pension, I think I cannot explain it better to my countrymen, than in Mr. Wilkes's own words, August 12, 1762.

"I must, in compliance with a few vulgar writers, call the inadequate reward given to Mr. Pitt, for as great services as ever

forgive. The man, who maintained those doctrines, ought to have had the Tarpeian rock, or a gibbet for his reward. Another gentleman, upon that occasion, had spirit and patriotism enough to declare, even in a respectable assembly, that when he advised the proclamation, he did it with the strongest conviction of its being illegal; but he rested his defence upon the unavoidable necessity of the case, and submitted himself to the judgment of his country. This noble conduct deserved the applause and gratitude of the nation, while that of the Earl of Chatham, and his miserable understrappers, deserved nothing but detestation and contempt.

POPLICOLA.

ever were performed by a subject, a pension, although the grant is not during pleasure, and therefore cannot create any undue, unconstitutional influence. In the same light we are to consider the Dukes of Cumberland's and Marlborough's, Prince Ferdinand's, and Admiral Hawke's, Mr. Onslow's, &c. &c. &c. I was going to call it the King's gold box; for Mr. Pitt having before received the most obliging marks of regard from the public, the testimony of his Sovereign only remained wanting.'

"Now as Mr. Wilkes has so fully set forth the nature of this pension, I cannot think it will at all lessen the confidence of the nation in Lord Chatham: it may very possibly lessen their confidence in Mr. Wilkes, who has contradicted himself so furiously, and perhaps destroy that idea of consistency which the gentleman boasts of in his letter to the Duke of Grafton; where he assures his Grace, that 'however unfashionable such a declaration may be, consistency shall never depart from his character.' The reader has the proofs before him, and will judge of it accordingly. W. D." EDIT.

LETTER III.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

24 *June*, 1767.

Accedere matrem muliebri impotentiâ; serviendum feminæ, duobusque insuper nebulonibus, qui rempublicam interim premant, quandoque distrahant.

Tacitus 1° Annalium.

THE uncertain state of politics in this country sets all the speculations of the press at defiance. To talk of modern ministers, or to examine their conduct, would be to reason without data; for whether it be owing to the real simple innocence of doing nothing, or to a happy mysteriousness in concealing their activity, we know as little of the services they have performed, since it became their lot to appear in the gazette, as we did of their persons or characters before. They seem to have come together by a sort of fortuitous concourse, and have hitherto done nothing else but jumble and jostle one another, without being able to settle into any one regular or consistent figure. I am not however such an atheist in politics as to suppose that there is not somewhere an original creating cause, which drew these atoms forth into existence; but it seems the utmost skill

and cunning of that secret governing hand could go no farther. To create or foment confusion, to sacrifice the honour of a King, or to destroy the happiness of a nation, requires no talent, but a natural *itch* for doing mischief. We have seen it performed for years successively, with a wantonness of triumph, by a man who had neither abilities nor personal interest, nor even common personal courage *. It has been possible for a notorious coward, skulking under a petticoat, to make a great nation the prey of his avarice and ambition. But I trust the time is not very distant when we shall see him dragged forth from his retirement, and forced to answer severely for all the mischiefs he hath brought upon us.

It is worth while to consider, though perhaps not safe to point out, by what arts it hath been possible for him to maintain himself so long in power, and to skreen himself from national justice. Some of them have been obvious enough; the rest may without difficulty be guessed at. But whatever they are, it is not above a twelvemonth ago, since they might have all been defeated, and the venomous spider itself caught and trampled on in its own webs. It was then his good fortune to corrupt one man, from whom

* The Earl of Bute. EDIT.

we least of all expected so base an apostacy *. Who indeed could have suspected, that it should ever consist with the spirit or understanding of that person to accept of a share of power under a pernicious court minion, whom he himself had affected to detest or despise, as much as he knew he was detested and despised by the whole nation? I will not censure him for the avarice of a pension, nor the melancholy ambition of a title. These were objects which he perhaps looked up to, though the rest of the world thought them far beneath his acceptance. But, to become the stalking-horse of a stallion, to shake hands with a Scotchman at the hazard of catching all his infamy; to fight under his auspices against the constitution; and to receive the word from him, prerogative and a thistle; (by the once respected name of Pitt) it is even below contempt. But it seems that this unhappy country had long enough been distracted by their divisions, and in the last instance was to be oppressed by their union. May that union, honourable as it is, subsist for ever! may they continue to smell at one thistle, and not be separated even in death!

ANTI-SEJANUS, JUN.

* The Earl of Chatham. EDIT.

LETTER IV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, *St. James's Coffee House*, 25 *Aug*. 1767.

I HAVE been some time in the country, which has prevented your hearing sooner from me. I find you and your brother printers have got greatly into a sort of knack of stuffing your papers with flummery upon two certain brothers*, who are labour-in-vain endeavouring to force themselves out of the world's contempt. I have great good will to you, and hope you are well paid for this sort of nonsense, as indeed you ought to be, for it certainly disgraces your paper. It is in vain that your friends assure the coffee-house, that these things are wrote by the brothers themselves; that you believe no more of them than the rest of the world does; and that you only put them in to shew your extreme impartiality, which sometimes obliges you to insert the most improbable stories; I would therefore advise you as a friend, to give up this noble pair as *enfans perdus*.

* Lord Townshend, and his brother, the Honourable Charles Townshend, the former just appointed lord lieutenant of Ireland, and the latter at this time chancellor of the exchequer.
EDIT.

I am not a stranger to this *par nobile fratrum*. I have served under the one, and have been forty times promised *to be served* by the other. I don't think it possible to characterise either without having recourse to the other; but any body who knows one of them, may easily obtain an idea of the other: Thus now; suppose you acquainted with the chancellor, take away his ingenuity, and a something, that at times looks something like good-nature, but it is not, and you have the direct and actual character of the peer; a boaster without spirit, and a pretender to wit without a grain of sense; in a word, a vainglorious idler without one single good quality of head or heart. I hope his affairs with Lord —— and Mr. —— are the only instances of his setting out with unnecessary insolence, and ending with shameful tameness. But is such a man likely to please the brave Irish, whose hasty tempers, or whose blunders, may sometimes lead them into a quarrel; but whose swords always carry them through it. Are these the pair, who are to give stability to a wavering favourite, and permanency to a *locum tenens* administration? Alas! alas!

> *Non tali auxilio, nec defensoribus istis*
> *Tempus eget:*

And is it by such a prop that Grafton thinks to stand, after throwing down his idol Pitt, at

whose false altar he had before sacrificed his friends? Is it for such a man that Conway foregoes the connections of his youth, and the friends of his best and ripest judgment.—*O tempora! O mores!*

A FAITHFUL MONITOR.

LETTER V*.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 16 *Sept.* 1767.

His Excellency the Lord Lieutenant of Ireland†, is said to have a singular turn for portrait painting, which he willingly employs in the service of his friends. He performs gratis, and seldom gives them the trouble of sitting for their pictures. But I believe the talents of this ingenious nobleman never had so fair an occasion of being employed to advantage as at present. It happens very fortunately for him, that he has now a set of friends, who seem intended by nature for the subjects of such a pencil. In delineating their features to the public, he will have an equal opportunity of displaying the delicacy

* The following answer to correspondents in the Public Advertiser of Sept. 16, identifies Junius to have been the writer of this letter. "Our correspondent C. will observe, that we have obeyed his directions in every particular, and we shall always pay the utmost attention to whatever comes from so masterly a pen." EDIT.

† Lord Townshend. EDIT.

of his hand, and upon which he chiefly piques himself, the benevolence of his heart. But considering the importance of his present cares, I would fain endeavour to save him the labour of the design, in hopes that he will bestow a few moments more upon the execution. Yet I will not presume to claim the merit of invention. The blindness of chance has done more for the painter, than the warmest fancy could have imagined, and has brought together such a groupe of figures, as I believe never appeared in real life or upon canvas before.

Your principal character, my Lord, is a young duke* mounted upon a lofty phaeton; his head grows giddy: his horses carry him violently down a precipice, and a bloody carcase, the fatal emblem of Britannia, lies mangled under his wheels. By the side of this furious charioteer sits Caution without foresight†, a motley thing, half military, scarce civil. He too would guide, but, let who will drive, is determined to have a seat in the carriage. If it be possible, my Lord, give him to us in the attitude of an orator eating the end of a period, which may begin with, *I did not* say *I would pledge* MY*self*—The rest he eats.

Your next figure must bear the port and

* The Duke of Grafton. EDIT.

† Mr. Conway, secretary of state for the northern department. EDIT.

habit of a judge. The laws of England under his feet, and before his distorted vision a dagger, which he calls the law of nature, and which marshals him the way to the murder of the constitution*.

In such good company, the respectable president of the council, cannot possibly be omitted†. A reasonable number of decrees must be piled up behind him, with the word REVERSED in capital letters upon each of them; and out of his decent lips a compliment *a la Tilbury*, *Hell and d——n blast you all.* * * * * *

There is still a young man, my Lord, who I think will make a capital figure in the piece. His features are too happily marked to be mistaken. A single line of his face will be sufficient to give us the heir apparent of Loyola and all the Col-

* Lord Camden. A scarcity of grain having been experienced during the recess, government had taken upon itself to stop the exportation of corn, in defiance of an act of parliament that granted a bounty for exporting it. The legality of this measure of a proclamation having been questioned Lord Camden maintained that in a case of necessity, the crown was possessed of a legal power to suspend the operation of an act of the legislature. See this subject farther touched upon in JUNIUS, Vol. II. Letter LIX. EDIT.

† Lord Northington, formerly lord chancellor, whose decrees have been allowed less weight than those of the greater number of the dignified characters who have since held this important office. EDIT.

lege. *A little more of the devil, my Lord, if you please, about the eyebrows; that's enough; a perfect Malagrida I protest*!* So much for his person; and as for his mind, a blinking bull dog placed near him, will form a very natural type of all his good qualities.

These are the figures, which are to come forward to the front of the piece. Your friendship for the Earl of Bute will naturally secure a corner in the retirement for him and his curtain. Provided you discover him * * * * *†

If there are still any vacancies in the canvas, you will easily fill them up with fixtures or still life. You may shew us half a paymaster‡ for instance, with a paper stuck upon the globe of his eye, and a label out of his mouth, *No, Sir, I am of t'other side, Sir.* How I lament that sounds cannot be conveyed to the eye!

You may give us a Commander in Chief§, and a Secretary at War|| seeming to pull at two ends of a rope; while a slip knot in the middle

* Lord Shelburne, father to the present Marquis of Lansdown, at that time secretary of state for the southern department. EDIT.

† A lady, who was thought to have considerable influence, is here alluded to. EDIT.

‡ Sir G. Cooke and T. Townshend, Esq; afterwards Lord Sydney, were joint paymasters, the latter of whom is supposed to be alluded to. EDIT.

§ The Marquis of Granby. EDIT. || Lord Barrington. EDIT.

may really strangle three-fourths of the army; or a lunatic brandishing a crutch*, or bawling through a grate, or writing with desperate charcoal a letter to North America; or a Scotch secretary teaching the Irish people the true pronunciation of the English language. That barbarous people are but little accustomed to figures of oratory, so that you may represent him in any attitude you think proper, from that of Sir Gilbert Elliot† down to Governor Johnstone. These, however, are but the slighter ornaments of composition, and so I leave them to the choice of your own luxurious fancy.

The back ground may be shadowed with the natural obscurity of Scotch clerks and Scotch secretaries, who may be *itched* out to the life, with one hand grasping a pen, the other rivetted in their respective * * * * * * *. Your southern writers are apt to rub their foreheads in the agony of composition; but with Scotchmen, the seat of inspiration lies in a lower place, which, while the FUROR is upon them, they lacerate without mercy. By this delectable friction, their imaginations become as prurient as their * * * * * *, and the latter are relieved from one sort of matter, while their brains are supplied with another. Every thing they write in short is polished *ad unguem.*

* Lord Chatham. EDIT. † At that time Irish secretary. EDIT.

But amidst all the licence of your wit, my Lord, I must entreat you to remember that there is one character too high and too sacred even for the pencil of a peer, though your Lordship has formerly done business for the family. Besides, the attempt would be unnecessary. The true character of that great person is engraven in the hearts of the Irish nation; and as to a false one, they need only take a survey of the person and manners of their chief governor, if, in the midst of their distresses they can laugh at the perfect caricatura of a king.

I have the honour to be, &c.

Yours,

CORREGGIO.

LETTER VI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 12 *October*, 1767.

THERE has been for some time past a very curious altercation carried on through your paper between *Philo Veritatis* and *No Ghost.* This altercation has hitherto been carried on like other political disputes, by affirmatives and negatives, assertions and contradictions, good hits and smart repartees. This is the kind of combat usually fought on, and indeed the only one adapted to the field of, a public paper. But

I perceive, not without anxiety, that another species of battle is likely to take place between the two champions whom I have mentioned*. In this I am too much concerned to remain neuter. I have courage enough to draw my pen upon any man, but I should be very un-

* Vide *Philo Veritatis* his letter in this paper, of the sixth instant. The following extract from it, will enable the reader the better to understand the allusions in the present letter.

" That his Excellency the present lord lieutenant of Ireland commanded at Quebec, is indisputable. Captain Schomberg, as gallant an officer as any in the navy, and who with the brave captain Dean, burnt and destroyed the French fleet, had the honour to convey him up the Gulph of St. Laurence, where his Excellency multiplied his military glory; and here I cannot omit an anecdote relating to his Lordship, which occurred at Dettingen in Germany. In the very heat of the carnage of that day, and amidst the horrors of almost universal desolation, a soldier, fighting near his Lordship's side, was killed by a cannon ball; part of his brains flew out, and some on his Lordship's clothes and in his face. The brave General G—–—— being near him, said, ' My Lord, this is terrible work to day :' ' So it is,' replied his Lordship, wiping himself with great calmness; ' but one would imagine, General, this man had too much brains to be here,' at the same time tears of manly pity filled his compassionate eyes.

" Now if humanity, intrepidity, and (what the French justly distinguish by the name of) *sangfroid*, be the characteristics of a valiant soldier, my favourite Lord, (and such I am proud to own him) can, as the lawyers say, make out, even from this single story, a good title, and does deserve (as I have before averred) to have his name inscribed in adamantine letters on a column of eternal fame; and if Mr. No Ghost

willing to draw my sword; the pop-gun of wit I can stand, but a pistol is what I dare not face. Somehow or other, I have taken it into my head, that the dull and heavy argument of a pistol ball is more convincing than the most elaborate reasoning, or the keenest wit which can be delivered by a pen. Alas, Sir, what then shall I do? Shall I remain silent, whilst *No Ghost* affirms that the Lord Lieutenant of Ireland is a coward, and *Philo Veritatis (e contra)* declares him a brave and undaunted soldier? —It is of little importance which side I am inclined to from judgment. If I declare in favour of *Philo Veritatis*, I incur the danger of a pen which he himself seems to think very sharp; indeed so sharp, as to beg of his opponent to lay it aside, and take up a pistol; on the other hand, if I join with *No Ghost*, I have a pistol at my head, which may make a ghost of me. Thus circumstanced, I will not take either part, but offer myself as a friend to both, to measure the ground, give the word, and

disputes it, I (in the ancient style of the Heralds) defy him: I accept his gauntlet and stand forth his Lordship's avowed champion; though a bad one, ready to fight in his defence, either with pistol or pen, and desire No Ghost to accept of a Rowland for his Oliver in a scrap of Latin on my side.

" *Parturiunt montes; nascetur ridiculus mus.* Bye bye Mr. No Ghost.

October 2. PHILO VERITATIS." EDIT.

carry off the body of whichever shall fall in the field of honour. In this character I shall beg (previous to their engagement) to state a few points not yet decided between them, and which they have not yet carried far enough in discussion, to require the decision of powder and ball. Give me leave first (though I declare no prepossession in his favour) to compliment *Philo Veritatis* the *advocate* for his Lordship's *courage*, on his own bravery, who under a fictitious name, challenges with the utmost intrepidity to single and mortal combat, a nameless opponent. I should spend some time, and take some pains, to turn this compliment and make it worthy of him, but that I dare say he is sufficiently applauded already, by those to whom he has revealed himself, for such an unexampled piece of heroism.

Now, to my purpose: *Philo Veritatis* asserts, that his hero, Lord Townshend, gave proofs of his *bravery* at Minden and Quebec. *No Ghost* denies the fact, upon the presumed impossibility of his transporting himself from one of these places to the other in the space of ten days, unless he could *fly*, and that very fast too. Now *flying* being a quality which *Philo Veritatis* does not chuse to ascribe (whatever belief it might gain with the public) to his hero, answers this in somewhat of a new way: "This objection," says he, "has no weight, and is made

only to introduce a scrap of Latin and a witticism." This may be a very good answer at cross purposes; but is, I confess, a very whimsical one in the present case. Surely, Sir, this matter is not yet come so close to a point, as to require the arbitration of a pistol. Let *Philo Veritatis* again (for he has once already done it) affirm, that the hero was present at both actions; *No Ghost* denies it; *Philo* gives the lie; *No Ghost* knocks him down, and then the pistol enters as naturally as possible, and without the smallest breach of the rule which Horace has laid down on this occasion: *Nec Deus intersit, nisi dignus vindice nodus.*

No Ghost having denied that his Lordship was actually present at both places, *Philo* seems to fear lest we should doubt that he was at neither; Minden he gives up; but being resolved to prove that he was at Quebec, he informs us that the brave captain Schomberg had the honour of conveying him up the Gulph of St. Lawrence, where his Lordship *multiplied* his glory. These are the words. It is not my business to make remarks; but *Philo* will tell us where this multiplication table may be found; and I would recommend his Lordship to study it most attentively; he need go no farther in this kind of arithmetic; the *next rule* will be quite unnecessary, as I presume no one will desire

to *divide* with his Lordship. Now, if I guess right, the *No Ghost* will not deny that the brave *Schomberg* conveyed him up the gulph, and therefore this does not call very loudly for the pistol. Every one will acknowledge that Lord Townshend was at Quebec; for every one remembers his letter from thence; and perhaps *Philo* can tell who the secretary was.

To this multiplication of glory, *Philo* makes an *addition* of an anecdote, which, as he says, *occurred* to his Lordship in Germany; indeed, *occurred;* an anecdote occurred; a curious occurrence it was. First let us see the inference which *Philo* draws from, and then we shall relate the *occurrence* itself. It is, that the *humanity* of his *favourite* Lord (for such he is *proud* to own him) is established by it. The *occurrence* is, that a soldier being killed near, his brains were scattered upon his Lordship's clothes. A stander-by remarks, "that this is terrible work." "True," says his Lordship, "but one would have thought this fellow had too much brains to be here."——Reader, remark this, and if you doubt of his Lordship's humanity, you are infidel enough to doubt of his courage. Well, he burst into tears: and who could chuse but weep at a sentiment of such tender, compassionate, and sympathising humanity! No one, that I know of, can suppose these tears

shed from that depression of spirits which the extremity of fear sometimes causes, and which finds some ease from an involuntary overflow at the eyes. Never had such humanity such a panegyrist; it does indeed deserve to be inscribed on *Adamantine pillars of eternal fame*, as *Philo* elegantly expresses it. Now as he is such an admirer of humanity in others, let me call on his own humanity not to avail himself of the assistance of a pistol on this occasion; as I will venture to answer for Mr. *No Ghost*, that he will not take up the gauntlet which *Philo* has so bravely thrown down, offering him the choice of pen or pistol.——Alas, *Philo!* at the first of these weapons you are by no means, indeed you are not, a match for *No Ghost;* and for the use of the last, you might chance to be hanged, and thus unfortunately frustrate his Lordship's *humane* intentions of rewarding your courage with one of those pensions which he will *multiply* on the *Irish* establishment.

I am, &c.

MODERATOR.

LETTER VII.

FOR THE PUBLIC ADVERTISER.

22 October, 1767.

*Grand Council upon the affairs of Ireland after eleven adjournments**.

Hill-street, 7th October, 1767.

PRESENT.

†1 Tilbury . . . fuddled.
2 Judge Jefferyes.
3 Caution without foresight.
4 Malagrida.

* This paper was announced in the Public Advertiser in the following words :—" The grand council upon the affairs of Ireland, after eleven adjournments, is come to hand, and shall have a place in our next." To which was added by the Printer himself:—" Our friend and correspondent C. will always find the utmost attention paid to his favours." C. as the reader must already have observed from the Preliminary Dissertation and Private Letters, was the secret mark in use between JUNIUS and the Printer, to inform each other of the identity or receipt of communications. The present article, however, does not stand in need of this accidental proof of genuineness. Its internal evidence is sufficient without it : especially the identity of its style, and the peculiar nature of its political bearing. EDIT.

†1 The Earl of Northington, president of the council.
2 Earl Camden.
3 Mr. Conway, northern secretary.
4 Lord Shelburn, southern secretary.

5 Lord

5 Boutdeville . . . sulky.

A chair left empty for the 6 High Treasurer, detained by a hurry of business at Newmarket.

After a convenient time spent in staring at one another, up gets Tilbury.

Thus from my Lord his passion broke;
He ——— first, and then he spoke.

TILBURY.

In the name of the Devil and his dam, can any body tell, what accident brings us five together?

CAUTION.

For my own part, my Lords, I humbly apprehend—though I speak with infinite diffidence—I say, my Lords, I will not pledge *myself* for the truth of my opinion—but I do humbly conceive with great submission—that we are met together with a view, and in order to consider whether it might not be adviseable to give some instructions to this noble Lord for his Government in Ireland, or whether we should leave the direction of his conduct to the same chance, to which under our Sovereign Laird the Earl of Bute *(they all bow their heads)* he owes his appointment. I may be mistaken,

5 Lord Townshend, Lord Lieutenant of Ireland.

6 Duke of Grafton, first Lord of the Treasury. EDIT.

my Lords, but I—I—I—*looks round him, simpers, and sits down.*

TILBURY.

B——t me if I care whether he has any instructions or not. But who the devil's to draw them up?

MALAGRIDA, *with a complacent smile.*

That's a task, my Lords, which I believe no man here is better qualified to execute than myself. Your Lordships well know that I am far from being vain of my talents; yet I believe I may affirm without presumption, that nature has done more for me, without any effort of my own, than other men usually derive from education and experience. My Lord Holland, who certainly had some reason to know me, has done me the honour to say that I was born a Jesuit, and that if all the good qualities which make the society of Jesus respectable, were banished from the rest of the earth, they would still find room enough in the bosom of *Malagrida.* His Lordship sagaciously observed, that mine was a sort of understanding more united with the heart than the head; and that my ideas of men and things depended not so much upon the improvement of my brain, as upon the original colour and consistence of my blood; consequently—But this is a seducing subject, upon which, perhaps—I fear—I am too willing to

expatiate. To return then to the noble Lord's instructions;—I should be happy to know what your Lordship's ideas are upon this most important question, that, when I have heard all your opinions, I may with greater decency follow my own.

TILBURY.

B—t me if I know any thing of the matter. —*falls asleep.*

CAUTION.

The very learned Lord, who slumbers upon the sofa, having, with his usual candour, confessed his usual ignorance upon the arduous subject of our present debates, it may seem presumptuous in a man of my inferior qualifications, even to form, much more to deliver any opinion upon it. For this reason, my Lords, although I venture to speak first, *I shall take care not to* hazard any thing decisive. I have already had the honour of giving instructions to governors; and, excepting my noble colleague, with whom I agree, that he owes as much to nature for the accomplishments of his mind, as for those of his person, I believe few men succeed better at the ambiguous. It is my forte, my Lords;——I always contrive to leave the person I instruct at full liberty to act as he thinks proper, and entirely at his own peril. Positive instructions are too apt to endanger the safety of those who give

them. Mine I am determined shall endanger nothing but the safety of the state. But since the noble Lord absolutely insists upon being instructed some way or other, my friendship for him, which he may believe is full as sincere as what I felt for his brother—poor Charles——* and art thou gone!——so is my friendship;—I say, my Lords, since his Lordship can have no doubt about the warmth of my friendship for him, he may at all times rely upon my assistance and concurrence, and—and—it is unnecessary I believe to explain what——*simpers at Sulky, and sits down.*

JUDGE JEFFERYES, *with dignity.*

My Lords, your Lordships know that the greatest part of my life has been dedicated to the study of the common and statute law of my country;—you will not wonder therefore at my appearing a strenuous advocate for the natural liberties of mankind, such as they possessed them before the existence of positive laws in this country, or any other. Now, my Lords, if I am not ill informed, the Irish are already in this desirable state of emancipation. By the most authentic accounts, they actually approach as near to a state of nature, as can be effected by the absence of all legal restraints; and for my own

* The Hon. Charles Townshend, Chancellor of the Exchequer, then lately dead. EDIT.

part—I will speak boldly, my Lords—I always do when the liberties of my fellow-subjects are in question——I never consider my own character in what I say either in council or parliament;——I think, that to give any positive instructions to a chief governor, might have the odious appearance of invading the natural rights of the Irish. It is their claim, it is their birthright, my Lords, to talk without meaning, and to live without law. This is the sort of liberty which our ancestors fought for, and which every true Englishman ought to revere. God forbid, my Lords, that any thing done by a British council, should tend to the diminution of privileges, which the Irish justly think invaluable. Besides, my Lords, I have too much respect for the uncommon talents of the noble Lord himself, to wish to confine him by any opinions of ours. Let him but follow the dictates of his own genius, and I will venture to say, that the Irish will have no reason to envy the government of England;—at least he may be assured of our hearty endeavours and concurrence to prevent any ill blood, upon that score, between the two nations.

SULKY, *in an attitude copied from Mr. Sparks**.

I was quiet enough at Raneham, when I was

* A comedian, thus characterised in Churchill's Rosciad:
" Sparks at his glass sat comfortably down,
To sep'rate frown from smile, and smile from frown."
EDIT.

told I was Lord Lieutenant of Ireland. For a man to be told that he commands a kingdom or an army, when he dreams of no such matter, forms a situation too difficult for such a head as mine. My Lords, I speak from experience. Upon another occasion, indeed, I found the business done to my hand, by a person who shall be nameless. But alas! I find things in a very different condition at present. I perceive that I am no more a statesman than a general, and that my predecessor, instead of doing any thing himself, has only bequeathed to me the disgrace of not being able to perform, what he was so vain or so simple as to promise.—Then to be left to my own guidance!—If my poor dear brother had lived, you would not have treated me so scurvily.—Surely your Lordships forget that these are a wild barbarous people, and how dangerous it is to trust to their respect for the person of a Lord Lieutenant.—In short, my Lords, if you do not think proper to grant *them* a HABEAS CORPUS, at least grant *me* one, and as soon as possible. I shall never be easy until I find my body once more before you. In the mean time, I believe I had best follow my Lord Bute's advice.

OMNES.

Lord Bute! It must be followed. What is it?

SULKY.

To carry over with me a battalion of gallant disinterested Highlanders, who, if there should be any disturbance, may take to their broad swords. Where plunder's to be had, they'll take to any thing. I have seen it tried with astonishing success: and sure never was a man in such a *taking* as I was.

CAUTION.

The expedient, I confess, is admirable; but pray, my Lord, how do you intend to provide for all these sweet-blooded children?

SULKY.

My secretary has got a list of the employments in Ireland, and assures me that I shall be able to provide for as many more.

JEFFERYES, *growing peevish and impatient.*

To conclude, my Lords. If what I have just now had the honour of throwing out should not be consistent with the noble Lord's ideas, or with his plan of government, he has my free consent to adopt a very different system. Instead of permitting the Irish to live without any law whatever, let him govern them by Edicts from the castle. For my own part, I hate medium in government. I am all for anarchy, or all for tyranny. The Irish privy council are as good judges of the plea of necessity, and I dare say

as ready to make use of it as any other council. You have my authority and example, my Lord, in support of suspending powers; and provided you are a little cautious in the object of your first experiment, you may carry this wholesome maxim to as great a length in Ireland, as, with the blessing of God! *(turning up his eyes to heaven)* I intend to do here.

A dog barks, and wakens Tilbury, who starts up.

TILBURY.

Zounds, my Lord, do you keep bull-dogs in your house?

MALAGRIDA.

No, my Lord; it is but a mongrel. Your true English bull-dog never quits his hold; but this cur plays fast and loose, just as I bid him: he worries a man one moment, and fawns upon him the next*. But, my Lords, I hope you are not going away before I have finished my speech. It is a masterpiece, I'll promise you, and has cost me infinite labour to get by heart.

TILBURY.

No, damn me, 'tis a little too late, I thank you. *Aside.*—This silly puppy takes me for his schoolmaster, and fancies I am obliged to hear him repeat his task to me. *Exit.*

CAUTION.

Pray spare me, my Lord; you know my friendship: I would stay to hear you if it were

* The person here alluded to is not known. EDIT.

possible. *Aside.*—I see this will never do; so I'll e'en try to renew with the Rockinghams. *Exit talking to himself.*

JEFFERYES.

Change of place, my Lord, as well as change of party, is the indefeasible right of human nature *. It is a part of the natural liberty of man, which I am determined to make use of immediately. *Exit.*

MALAGRIDA *to* SULKY.

Won't you hear me, my Lord?

SULKY.

It is unnecessary, my dear Lord. I see your meaning written in your face. *Aside.*—What the devil shall I do now? A sick man might as well expect to be cured by a consultation of quack doctors; they talk, and debate, and wrangle, and the patient expires. However, I shall at least have the satisfaction of drawing their pictures. I believe the best thing I can do will be to consult with my Lord George Sackville. His character is known and respected in Ireland as much as it is here; and I know he loves to be stationed in the *rear* as well as myself. *Exit.*

MALAGRIDA *solus.*

What a negro's skin must I have, if this

* Lord Camden had been chief justice of the Common Pleas, was now chancellor, and afterwards president of the council. EDIT.

shallow fellow could see my meaning in my face! ——Now will I skulk away to ——, where I will betray or misrepresent every syllable I have heard, ridicule their persons, blacken their characters, and fawn upon the man who hears me, until I have an opportunity of biting even him to the heart. *Exit**.

* A writer in the Public Advertiser, in a pretended real account of what passed at the council, having charged Mr. Burke with being the author of this satire, and as the letters of JUNIUS were, during their publication, attributed to that gentleman, we shall extract such part of it as more immediately relates to him.

The council are supposed to have discussed the instructions to be given to the Lord Lieutenant, and the Lord President is then made to address them, as follows:

President.

If nothing further occurs to your Excellency, nor to you, my Lords, upon the present business, it will be time, I believe, for us to break up.

(As the Council are rising, a Secretary enters.)

Secretary.

My Lords, there is a person without, who says he has business of a private nature, and earnestly desires to be admitted.

S. S.

Do you know who the man is? Are you acquainted with his person?

Secretary.

I am, my Lord: but as he desires, in case your Lordships do not think fit to see him, that his visit may be kept a secret, I beg to be excused mentioning his name; I believe he is personally known to every one present.

Omnes

LETTER VIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 31 *Oct.* 1767.

YOUR correspondent, who has furnished you with what he calls a true account of a grand council in Hill Street, does not appear to

Omnes.

Let him come in.

(The Secretary goes out, and returns introducing a tall, ill-looking fellow, in a shabby black coat.)

Lord President.

What are your commands with us, Mr. Brazen ?

Brazen.

The business, my Lords, that has brought me thus unexpectedly into your company, will, I am persuaded, excuse the unseasonableness of my intrusion. I flatter myself I am known, well known, to every one of your Lordships. My part has not been an obscure one : I may say, with the *sublimest* of all poets,

Not to know me, &c.

In short, my Lords, I think I have trode the public stage of the world with some degree of applause, with a pen that can blacken the whitest character, and a tongue that can *dash the maturest councils,* I hold myself equipped at all points for the offices of party. One in particular of this Right Honourable Company can bear testimony to my performances.—What need of more words ?

I have done the state some service, and they know it.

But, my Lords, to come to the point at once.—No man, I trust, in these times, serves the state for nothing ; yet such has been my pride or folly (call it which you will), that I have got nothing for my pains but empty praise. Now, my Lords, this diet

me to have done much service to his patrons. The former dialogue had at least some pleasantry (though not enough, I dare say, to draw a smile from the parties concerned) and perhaps in marking the characters, a little too much truth. But this sorrowful rogue is too dull to be witty, and

diet begins to grow too thin for my stomach. I must own I expected to have reaped good interest for my self-denial; but things have not come round as I looked for; the revolutions in government have not kept pace with those that have been made in my fortune; and the late unprosperous fatal negotiation has broken all my measures, and thrown me at length upon your Lordships' mercy, the humblest of your petitioners.

Lord President.

Will your Lordships have the patience to hear this prating fellow any longer?

Lord Camden.

Mr. Brazen, you will please to contract your discourse as much as the matter will admit. A great deal that you have now been relating to us might, in my humble opinion, have been spared without any prejudice to your petition, or to your principles. If you have any real business, worthy being communicated to this company, we shall wish you to let us hear it without further preface.

Brazen.

I should have thought that your Lordship, at least in the course of your high office, had been more patient under circumlocution, than to correct me for the little I have now made use of; however, not to incur your displeasure, I will come at once to the point. Your Lordships see these two papers. This in my left hand, my Lords, contains the most important intelligence that was ever directed to ministers. It is, my Lords, the

as for truth, I suppose it would neither suit his argument nor his disposition. His raillery upon a shabby black coat is indeed delicate to an extreme; but he forgets that wit and abilities have as little connection with rich clothes as

the whole scheme and plan of opposition, which you are shortly to encounter, concerted, modelled and digested, according to rules logical, metaphysical and mathematical. It is the most *beautiful,* as well as the *sublimest* system of politics, that ever sprung from the brain of man. I am here ready to consign it over to your Lordships, upon the terms and conditions annexed to it, and with it myself, my faith, my friendship, and my conscience.

Witness that here Iago doth give up
The execution of his wit, hands, heart,
To this great Council's service.

(*The whole of the Council rise at once, and the High Treasurer speaks.*)

High Treasurer.

My Lords, I see the indignation with which you receive this proposal, and the just contempt with which you are about to treat this most infamous proponent. But I beseech you, let what I shall now say to him serve for his dismission, and hold him unworthy of any further reply. We reject your offer, Sir, with the most consummate disdain. Unfaithful to your own party, we scorn to admit you into ours; and though the bounty of the council holds forth rewards for merit, we have neither the will nor the means to bribe and seduce a villain. Amongst those gentlemen, whom you thus offer to abandon, there are many for whose persons and characters we have the most absolute regard. Whatever their councils may be, and however hostile to our measures, we scorn to look into them by any indirect means. Friends to the liberties of our country, and protectors

they have with great places, and that a man may wear a fine suit, or figure as a secretary of state, without a single grain of either. But, Sir, if facts asserted are notoriously false, the assertion of them can do no mischief; if noto-

protectors of its constitution, we wish not to destroy opposition by the force of corruption, we seek only to confute it by the prevalence of reason; every proposal that has the public welfare for its object, from whatever party it springs, shall have our support; and while we have truth and justice on our side, we have nothing to apprehend from opposition, though all your genius, and (which is more) all your ill nature shall be drawn forth in its support.

Brazen.

'Tis very well, my Lords; 'tis mighty well; you have rejected the olive branch, take then the sword.—This paper, my Lords, in my right hand, holds a mine that shall blow you into the air. It is a libel wrote in gall. Your present consultations are the subject; and every member here present shall have a seat, except I think fit to dispatch your unimportant Grace to Newmarket. For you, my lord president, I shall characterise you under the name of Tilbury; because when that man kept an inn at Bagshot, you put up at his house. To my Lord Camden, I shall bequeath the odious name of Jefferyes, by the old derivatory rule of *Lucus a non lucendo. Caution without foresight* shall be your title, Sir; and your noble colleague's, Malagrida; when I have thought of any reason for either, I may give it you. To your Excellency, by way of contrast, I decree the name of *Boutdeville,* or Sulky.

S. S.

Here; who waits there? Take this fellow and put him out of the house.

Exit BRAZEN *between two footmen.*

riously true, they are beyond the reach of his wit, if he had any, to palliate, or of his modesty, which I think is upon a par with his wit, to deny.

Now, Sir, if I were not afraid of distressing him too much, I would ask him whether Lord Townshend, did not openly complain, only three days before his departure, that he could not, by the warmest solicitations, prevail on the ministry, to agree upon any one system of instructions for him; that he was left entirely to himself; and that the ministry could not be persuaded to pay the smallest attention either to his situation or to that of the country he was sent to govern. Did he not say this without reserve to every man he met, even in public court, and with all possible marks of resentment and disgust? I would advise your second correspondent not to deny these known facts; for if he does, I will assuredly produce some proofs of them, which will gall his patrons a little more than any thing they have seen already. Let one of them only recollect what sort of conversation very lately passed between him and the Lord Lieutenant, how he was pressed, and how he evaded. But the facts, of which the public are already possessed, sufficiently speak for themselves, and the nation wants no further proof of the weakness, igno-

rance, irresolution, and spirit of discord, which reign triumphant in this illustrious divan, who have dared to take upon them the conduct of an empire.

One question more, and I have done. Did it become him, who has undertaken the defence of a whole ministry, to forget one of the principal characters of the piece? Why should he omit the dog? This mongrel, that barks, and bites, and fawns, has nevertheless a share in council, and, in the opinion of the best judges, cuts full as good a figure in it as his master.

Here, who waits *there?*—O charming antithesis! O polished language! and equally fit for the noble Lord who speaks, or for the footman who hears it.



LETTER IX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

MR. PRINTER, 5 *Dec.* 1767

THERE are a party of us who, for our amusement, have established a kind of political club. We mean to give no offence whatever to any body in our debates. The following is a mere *jeu d'esprit*, which I threw out at one of our late meetings, and is at your service, if you

think it will afford the least entertainment to your readers *.

I am, &c.

Y. Z.

Mr. President. The condition of this country, at the conclusion of the last spring, was such as gave us strong reason to expect, that not a single moment of the interval between that period and our winter meeting would be lost or misemployed. We had a right to expect, that gentlemen, who thought themselves equal to advise about the government of the nation,

* As the debates in Parliament were not allowed at this period to be given verbatim, they were usually detailed to the public under the guise of fictitious assemblies and opinions, through the medium of imaginary characters; and under this form the writer undertakes to canvass the measures of government, on the opening of the Session of Parliament in November, 1767. The satire however was at first so severe, and at the same time so applicable, that the printer was half afraid to insert it; whence, after duly expressing his thanks for the honour which he felt was conferred upon the paper "by the correspondence of this masterly writer," he made the following apology the next day for its non-appearance. "We most heartily wish to oblige our valuable correspondent C., but his last favour is of so delicate a nature, that we dare not insert it, unless we are permitted to make such changes in certain expressions, as may take off the immediate offence."

This request appears to have been complied with: and hence the abruptness that will be found in several of the passages of the article as it was at length printed, and the palpable omissions in others. EDIT.

would, during this period, have applied all their attention, and exerted all their efforts to discover some effectual remedy for the national distress. For my own part, I had no doubt that, *when we again met*, the committee would have been ready to lay before us some plan for a speedy relief of the people, founded upon such certain lights and informations as they alone are able to procure, and digested with an accuracy proportioned to the time they have had to consider of it: But if these were our expectations, if these were the hopes conceived by the whole society, how grievously are we disappointed! After an interval of so many months, instead of being told that a plan is formed, or that measures are taken, or, at least, that materials have been diligently collected, upon which some scheme might be founded for preserving us from famine; we see that this provident committee, these careful providers, are of opinion, they have sufficiently acquitted themselves of their duty, by advising the chair to recommend the matter once more to our consideration, and so endeavouring to relieve themselves from the burthen and censure which must fall somewhere, by throwing it upon the society. God knows in what manner they have been employed for these four months past. It appears too plainly they have done but little good.

—I hope they have not been busied in doing mischief; and though they have neglected every useful, every necessary occupation, I hope their leisure has not been spent * * * in spreading corruption through the people.

Sir, I readily assent to the laborious panegyric which the gentleman upon the lower bench has been pleased to make of a very able member of the committee, whom we have lately lost*. No man had a higher opinion of his talents than I had; but as to his having conceived any plan for remedying the general distress about provisions, (as the gentleman would have us understand) I see many reasons for suspecting that it could never have been the case. If that gentleman had formed such a plan, or if he had collected such materials as we are now told he had, I think it is impossible but that, in the course of so many months, some knowledge or intimation of it must have been communicated to the gentlemen who acted with him, and who were united with him, not less by friendship than by office. He was not a reserved man, and surely, Sir, his colleagues who had every opportunity of hearing his sentiments in the committee, in private conversation, and in this

* The Right Honourable Charles Townshend, chancellor of the exchequer, who died September 4th, 1767, and was succeeded in that office by the Duke of Grafton. EDIT.

society, must have been strangely inattentive to a man, whom they so much admired, or uncommonly dull, if they could not retain the smallest memory of his opinions on matters on which they ought naturally to have consulted him often. If he had even drawn the loosest outlines of a plan, is it conceivable that all traces of it should be so soon extinguished? To me, Sir, such an absolute oblivion seems wholly incredible. Yet admitting the fact for a moment, what an humiliating confession is it for a committee, who have undertaken to advise about the conducting of an empire, to declare to this society, that by the death of a single man, all projects for the public good are at an end, all plans are lost, and that this loss is irreparable, since there is not a leader surviving, who is in any measure capable of filling up the dreadful vacuum?

But I shall quit this subject for the present, and as we are to consider of an answer in return to the advice from the chair, I beg leave to mention some observations occurring to me upon the advice itself, which I think I am warranted, by established practice of this society, to treat merely as the advice of the foreman of the committee *.

* The following are the passages in the King's speech more immediately alluded to in this pretended discussion of it.

"Nothing

The chief and only pretended merit of the present advice is, that it contains no extraordinary matter, that it can do no harm, and consequently that an answer of applause upon such advice, is but a mere compliment to the chair, from which no inconvenience can arise, nor consequence be drawn. Now, Sir, supposing this to be a true representation of the advice, I can-

" Nothing in the present situation of affairs abroad gives me reason to apprehend that you will be prevented by any interruption of the public tranquillity, from fixing your whole attention upon such points as concern the internal welfare and prosperity of my people.

" Among these objects of a domestic nature, none can demand a more speedy or more serious attention, than what regards the high price of corn, which, neither the salutary laws passed in the last Sessions of Parliament, nor the produce of the late harvest, have yet been able so far to reduce, as to give sufficient relief to the distresses of the poorer sort of my people. Your late residence in your several counties must have enabled you to judge whether any further provisions can be made, conducive to the attainment of so desirable an end.

" The necessity of improving the present general tranquillity to the great purpose of maintaining the strength, the reputation and the prosperity of this country, ought to be ever before your eyes. To render your deliberations for that purpose successful, endeavour to cultivate a spirit of harmony among yourselves. My concurrence in whatever will promote the happiness of my people, you may alway depend upon: and in that light, I shall be desirous of encouraging union among all those, who wish well to their country." EDIT.

not think it does the committee any great honour, nor can I agree that to applaud the chair for such advice would be attended with no inconvenience. Although an answer of applause may not enter into the approbation of particular measures, yet it must unavoidably convey a general acknowledgment, at least, that things are, upon the whole, as they should be, and that we are satisfied with the representation of them, which we have received from the chair. But this, Sir, I am sure, would be an acknowledgment inconsistent with truth, and inconsistent with our own interior conviction, unless we are contented to accept of whatever the committee please to tell us, and wilfully shut our eyes to any other species of evidence.

As to the harmlessness of the advice, I must for my own part regret the times, when advices from the chair deserved another name than that of innocent, when they contained some real and effectual information to this society,—some express account of measures already taken, or some positive plan of future measures, for our consideration. Permit me, Sir, to divide the present advice into three heads, and a very little attention will demonstrate how far it is from aiming at that spirit of business and energy, which formerly animated

the advice from the chair: You will see, under this division, that the small portion of matter contained in it is of such a nature, and so stated, as to preclude all possibility or necessity of deliberation in this place. The first article is, that every thing is quiet abroad. The truth of this assertion, when confirmed by an enquiry, which I hope this society will make into it, would give me the sincerest satisfaction; for certainly there never was a time when the distress and confusion of the interior circumstances of this nation made it more absolutely necessary to be upon secure and peaceable terms with our neighbours: But I am a little inclined to suspect, and indeed it is an opinion too generally received, that this appearance of good understanding with our neighbours deserves the name of stagnation rather than tranquillity; that it is owing not so much to the success of our negotiations abroad, as to the absolute and entire suspension of them for a very considerable time. Consuls, envoys and ambassadors, it is true, have been regularly appointed, but, instead of repairing to their stations, have, in the most scandalous manner, loitered at home; as if they had either no business to do, or were afraid of exposing themselves to the resentment or derision of the court, to which they were destined. Thus have all our negotiations with Portugal

been conducted, and thus have they been dropped. Thus hath the Manilla Ransom, that once favourite theme, that perpetual echo with some gentlemen, been consigned to oblivion. The slightest remembrance of it must not now be revived. At this rate, Sir, foreign powers may well permit us to be quiet; it would be equally useless and unreasonable in them to interrupt a tranquillity, which we submit to purchase upon such inglorious terms, or to quarrel with an humble passive government, which hath neither spirit to assert a right, nor to resent an injury. In the distracted, broken, miserable state of our interior government, our enemies find a consolation and remedy for all that they suffered in the course of the war, and our councils amply revenge them for the successes of our arms.

The second article of the advice contains a recommendation of what concerns the dearness of corn, to our immediate and earnest deliberation. No man, Sir, is more ready than myself, as an individual, to shew all possible deference to the respectable authority under which the advice from the chair is delivered; but as a member of this society, it is my right, nay, I must think myself bound to consider it as the advice of the foreman of the committee; and, upon this principle, if I would understand it

rightly, or even do justice to the text, I must carry the foreman's comment along with me. But what, Sir, has been the comment upon the recommendation made to us from the chair? Has it amounted to any more than a positive assurance that all the endeavours of the committee, to form a plan for relieving the poor in the article of provisions, have proved ineffectual? That they neither have a plan, nor materials of sufficient information to lay before the society, and that the object itself is, in their apprehension, absolutely unattainable. If this be the fact, if it be really true that the foreman, at the same time that he advises the chair to recommend a matter to the earnest deliberation of the society, confesses in his comment that this very matter is beyond the reach of this society, what inference must we necessarily draw from such a text, and from such an illustration? I will not venture to determine what may be the real motive of this strange conduct and inconsistent language; but I will boldly pronounce that it carries with it a most odious appearance * * * * * * *.

With respect to the third and last head, into which the advice may be divided, I readily agree that there is a cause of discord somewhere; where it is I will not pretend to say. That it does exist is certain; and I much doubt whe-

ther it is likely to be removed by any measures taken by the present committee. As to vague and general recommendations to us to maintain unanimity amongst us, I must say I think they are become of late years too flat and stale to bear being repeated: that such are the kind sentiments and wishes of our chairman, I am far from doubting; but when I consider it as the language of the foreman, as a foreman's recommendation, I cannot help thinking it a vain and idle parade of words without meaning. Is it in their own conduct that we are to look for an example of this boasted union? Shall we discover any trace of it in their broken, distracted councils, their public disagreements and private animosities. Is it not notorious that they only subsist by creating divisions among others? That their plan is to separate party from party? friend from friend? brother from brother? Is not their very motto *Divide et impera?* When such men advise us to unite, what opinion must we have of their sincerity? In the present instance, however, the advice is particularly farcical. When we are told that affairs abroad are perfectly quiet, consequently that it is unnecessary for us to take any notice of them; when we are told that there is indeed a distress at home, but beyond the reach of this society's councils to remedy; to have unanimity recom-

mended us in the same breath, is, in my opinion, something lower than ridiculous. If the two first propositions be true, in the name of wonder, upon what are we to debate? Upon what is it possible for us to disagree? On one point our advice is not wanted; on the other it is useless: but it seems it will be highly agreeable to the committee to have us unite, in approving of their conduct; and if we have concord enough amongst ourselves to keep in unison with them and their measures, I dare say that all the committee's purposes, aimed at by the recommendation, will be fully answered, and entirely to their satisfaction. But this is a sort of union which I hope never will, which I am satisfied never can, prevail in a free society like ours. While we are freemen, we may disagree; but when we unite upon the terms recommended to us by the committee, we must be slaves.



LETTER X.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, 19 *Dec.* 1767.

If there be any man in this country, who thinks that the combination lately entered into at Boston, is merely a matter of interior œconomy, by which we are either not essentially

affected, or of which we have no right to complain, I may safely pronounce, that that man knows nothing of the condition of the British commerce, nor of the condition of the British finances. It might be happy for us, if we were all in the same state of ignorance. To foresee a danger, when every chance of avoiding it hath been wilfully cut off, is but a painful and useless sagacity, and to shut our eyes to inevitable ruin, serves at least to keep the mind a little longer in a thoughtless security.

In this way I imagine any man must reason, who is insensible of the consequence of the successive enterprizes of the colonies against Great Britain, or who beholds them with indifference. I will not suppose that the bulk of the British people is sunk into so criminal a state of stupidity; that there does exist a particular set of men, base and treacherous enough to have enlisted under the banners of a lunatic *, to whom they sacrificed their honour, their conscience, and their country, in order to carry a point of party, and to gratify a personal rancour, is a truth too melancholy and too certain for Great Britain. These were the wretched ministers, who served at the altar, whilst the high priest himself, with more than frantic fury, offered up his bleeding country a victim to America. The

* Lord Chatham. EDIT.

gratitude of the colonies shews us what thanks are due to such men. They will not even keep measures with their friends; for they hate the traitors, though the treachery hath been useful to them. The colonies are even eager to shew that they regard the interests of the men (who to serve them gave up every thing that men ought to hold dear, except their places) as little as they do the interests of their mother country, and will not comply so far with the promising engagements made for them here, as even to conceal their malignant intentions until their friends are out of place. Such is the certain effect of conferring benefits upon an American.

Whatever has been hitherto the delusion of the public upon this subject, I fancy we are by this time completely undeceived. Our good friends in America have been impatient to relieve us from all our mistakes about them and their loyalty, and if we do not open our eyes now, we had better shut them for ever.

It would be to no purpose at present to renew a discussion of the merits of the Stamp Act, though I am convinced that even the People who were most clamorous against it, either never understood, or wilfully misrepresented every part of it. But it is truly astonishing that a great number of people should have so little foreseen the inevitable consequence of repealing

it, and particularly that the trading part of the city should have conceived that a compliance, which acknowledged the rod to be in the hand of the Americans, could ever induce them to surrender it. They must have been rather weaker than ourselves, if they ever paid their debts, when they saw plainly that, by withholding them, they kept us in subjection. In the natural course of things the debtor should be at the mercy of his creditor, rather than a tyrant over him; but it seems that for these three years past, wherever America hath been concerned, every argument of reason, every rule of law, and every claim of nature, has been despised or reversed. We have not even a tolerable excuse for our folly. The punishment has followed close upon it; and that it must be so, was as evident to common sense, as probable in prospect, as it is now certain in experience. There was indeed one man, who wisely foresaw every circumstance which has since happened, and who, with a patriot's spirit, opposed himself to the torrent *. He told us, that, if we thought the loss of outstanding debts, and of our American trade, a mischief of the first magnitude, such an injudicious compliance with the terms dictated by the colonies, was the way to make it sure and unavoidable. It was *ne moriare*,

* Mr. George Grenville. EDIT.

mori. We see the prophecy verified in every particular, and if this great and good man was mistaken in any one instance, it was, perhaps, that he did not expect his predictions to be fulfilled so soon as they have been.

This being the actual state of things, it is equally vain to attempt to conceal our situation from our enemies, as it is impossible to conceal it from ourselves. The taxes and duties necessarily laid upon trade, in order to pay the interest of a debt of one hundred and thirty millions, are so heavy, that our manufactures no longer find a vent in foreign markets. We are undersold and beaten out of branches of trade, of which we had once an almost exclusive possession. The progress towards a total loss of our whole foreign trade has been rapid; the consequence of it must be fatal. We had vainly hoped that an exclusive commerce with our colonies (in whose cause a great part of the very incumbrances, which have destroyed our foreign trade, were undertaken) would have rewarded us for all our losses and expense, and have made up any deficiency in the revenue of our customs. We had a right to expect this exclusive commerce from the gratitude of the Americans, from their relation to us as *colonists*, and from their own real interest, if truly understood. But unfortunately for us, some vain, pernicious ideas of independence and separate dominion,

thrown out and fomented by designing seditious spirits in that country, and encouraged and confirmed here by the treachery of some and the folly of others, have cut off all those just hopes, those well-founded expectations. While we are granting bounties upon the importation of American commodities, the grateful inhabitants of that country are uniting in an absolute prohibition of the manufactures of Great Britain. To doubt that the example will be followed by the rest of the colonies, would be rejecting every evidence which the human mind is capable of receiving. To be mad is a misfortune, but to rave in cold blood is contemptible.

The enterprizes of the Americans are now carried to such a point, that every moment we lose serves only to accelerate our perdition. If the present weak, false, and pusillanimous administration are suffered to go on in abetting and supporting the colonies against the mother country; if the King should take no notice of this last daring attack upon our commerce, the only consequence will be that the contest, instead of being undertaken while we have strength to support it, will be reserved not for our posterity, but to a time when we ourselves shall have surrendered all our arms to the people, with whom we are to contend;—nor will that period be distant.

If the combination at Boston be not a breach

of any standing law (which I believe it is) ought it not to be immediately declared so, by an act of the legislature? It is true, that private persons cannot be compelled to buy or sell against their will; but unlawful combinations, supported by public subscription and public engagements, are and ought to be subject to the heaviest penalties of the law. I shall only add, that it is the common cause of this nation; and that a vigorous and steady exertion of the authority of Great Britain would soon awe a tumultuous people, who have grown insolent by our injudicious forbearance, and trampled upon us, because we submitted to them *.

LETTER XI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

MR. WOODFALL, 22 *Dec.* 1767.

YOUR correspondent of yesterday, Mr. Macaroni †, in his account of the new mini-

* This letter was without a signature, and could not, therefore, be announced, but was thus noticed on the day previous to its publication. "C.'s favour is come to hand." For a further continuation of this subject, see Miscellaneous Letters, Nos. XXIX. and XXXI. EDIT.

† This writer had furnished the printer with a list of the supposed changes in administration. EDIT.

sterial arrangements, has thrust in a laboured bombast panegyrick on the Earl of Chatham; in which he tells us, "that this country owes more to him than it can ever repay." Now, Mr. Woodfall, I entirely agree with Mr. Macaroni, that this country *does* owe more to Lord Chatham than it can ever repay; for to *him* we OWE the greatest part of our national debt; and THAT I am sure we never can repay. I mean no offence to Mr. Macaroni, nor any of your *gentlemen* authors, who are so kind to give *us* citizens an *early* peep behind the political curtain, but I cannot bear to see so *much* incense offered to an Idol *, who so *little* deserves it.

I am yours, &c.

DOWNRIGHT.

* See the conclusion of Miscellaneous Letter, No. IV. and Private Letter, No. 23, in which the same term is applied to Lord Chatham. EDIT.

END OF VOL. II.

G. WOODFALL, Printer, Paternoster-Row, London.